

CR15-00707-PHX-SRB JURY TRIAL-DAY #14 3-9-16

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)
)
 plaintiff.) APPEAL
) CR15-00707-PHX-SRB
vs.) Phoenix, Arizona
) March 9, 2016
Abdul Malik Abdul Kareem,) 9:05 a.m.
)
 Defendant.)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 14
(Pages 2441 through 2643, Inclusive.)

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1 P R O C E E D I N G S

2 (Called to the order of court at 9:05 a.m.)

3 THE COURT: Good morning, ladies and gentlemen.

4 Please sit down. The record will show the presence of the
5 jury, counsel, and the defendant.6 You may proceed with your cross-examination, Mr.
7 Koehler.

8 MR. KOEHLER: Thank you, Your Honor.

9 I want to just let the Court know there's an exhibit
10 that I want to play that apparently is going to take a few
11 minutes to play because there is an IT-enforced reboot of the
12 litigation laptop happening at this moment.13 **ABDUL MALIK ABDUL KAREEM, WITNESS, SWORN**14 **CROSS EXAMINATION (cont'd)**

15 BY MR. KOEHLER:

16 Q All right. Mr. Abdul Kareem, when we left off yesterday,
17 I was talking to you about your records from your visit to
18 John C. Lincoln Hospital.

19 Do you recall that?

20 A Yes.

21 Q And so in the course of your examination there at the
22 hospital you asked for x-rays to be performed; is that right?

23 A Yes.

24 Q Okay. Let's look here at the x-ray report. Right here it
25 says:

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1 "Findings. There is no evidence of acute fracture or
2 dislocation of the hip. Femoral head, neck intertrochanteric
3 regions and proximal femoral shaft appear intact. The
4 visualized portions of the superior and inferior pubic rami
5 and iliac wing appear supp intact."

6 Down at the bottom.

7 "No acute process identified."

8 Is that correct?

9 A Right.

10 Q In other words, somebody at the hospital didn't find any
11 evidence of an injury at that point, correct?

12 MR. MAYNARD: Objection. Objection to the form of
13 the question.

14 THE COURT: Sustained.

15 A JUROR: Our screen isn't working.

16 THE COURT: Oh. Maureen will fix it.

17 A JUROR: Okay. She turned it on. Thank you.

18 Maureen is becoming superfluous. She usually jiggles
19 the wires and it's fixed.

20 MR. KOEHLER: High tech at its finest.

21 BY MR. KOEHLER:

22 Q We also talked about your Roku device at your house,
23 correct?

24 A Yes.

25 Q I want to show you on your monitor what's been marked for

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1 identification as Exhibit 602. Do you recognize that?

2 A Yes.

3 Q What is that?

4 A Looks like a remote.

5 Q That's the same model remote as the one for your Roku,
6 correct?

7 A Yes.

8 MR. KOEHLER: Move to admit 602.

9 MR. MAYNARD: No objection.

10 THE COURT: 602 is admitted.

11 (Exhibit No. 602 admitted in evidence.)

12 THE WITNESS: But the Roku that I have didn't come
13 with that.

14 MR. KOEHLER: There's not a question in front of you,
15 sir.

16 BY MR. KOEHLER:

17 Q Do you remember your interview on May 5th of 2015?

18 A Somewhat.

19 Q Some of it?

20 A Yes.

21 Q Do you recall Agent Whitson advised you during the course
22 of your interview that lying to the FBI is a crime, correct?

23 A Yes.

24 Q And during that interview you told agents that you did not
25 go shooting in the desert with Elton Simpson and Nadir Soofi

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1 prior to May 3rd of 2015, didn't you?

2 A No, I didn't.

3 Q So it's your testimony here today that you did not make
4 that statement?

5 A I didn't make that statement.

6 Q Okay. Before May 3rd, 2015 --

7 Or excuse me --

8 You told the agents that before May 3, 2015, neither
9 Simpson nor Soofi fired the weapons they used in connection
10 with the Garland attack that occurred on May 3, 2015?

11 A I don't remember saying that.

12 Q So you don't remember saying that to the agents?

13 A No.

14 Q You also told the agents you did not know in advance that
15 Simpson and Soofi planned to conduct an attack in Garland,
16 Texas, correct?

17 A Yes.

18 Q And you also told them that you did not know about the
19 Muhammad Art Exhibit and Contest that was to take place on
20 May 3, 2015, until after that attack occurred, correct?

21 A Yes.

22 Q And you told us earlier -- actually, I want to come back
23 to that.

24 Let's talk about your BMO Harris deposit. You said
25 that deposit came from an insurance settlement, right?

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1 A Yes.

2 Q And what was the name of the insurance company?

3 A I don't remember the name of the insurance company.

4 Q What type of vehicle were you in when you were in the
5 collision that led to the settlement?

6 A I was in a -- a rental car.

7 Q And you deposited that check into a new account with BMO
8 Harris because you had trouble with your business account,
9 right?

10 A Right. It wasn't a check that I deposited. It was cash.

11 Q You testified yesterday it was a check, didn't you?

12 A No. I cashed the check.

13 Q Where did you cash it?

14 A I cashed it on 19th Avenue and Bell at a check cashing
15 store. I deposited the cash into the BMO Harris.

16 Q So you took a \$10,000 check to a check cashing store?

17 A Yes.

18 Q And you cashed it?

19 A Yes.

20 Q And then you went to BMO Harris and deposited the \$10,000
21 in cash?

22 A Yes.

23 Q So the check cashing store didn't take any fee for cashing
24 the check?

25 A Yeah. The check was actually for \$13,800.

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1 Q It was for \$13,800?

2 A Yes.

3 Q And you only had 10,000 left?

4 A And I had 10,000. I paid off all my bills. My landlord,
5 all my bills and everything, and got caught up on all my
6 bills. Then I deposited the rest of the money inside of the
7 BMO Harris account and went and bought the truck in San Diego
8 and then came back up --

9 Q Okay.

10 A -- and then purchased --

11 Q Let's stop for a minute.

12 How much did you pay for that truck?

13 A I paid \$4,000 for it.

14 Q And you said you spent the rest of the money, the rest of
15 the 5,000?

16 A In order to get the truck overhauled, tires and everything
17 else on it, that came to over 1500.

18 Q You testified yesterday that you had let Elton Simpson use
19 your computer to set appointments for your business, right?

20 A Yes.

21 Q That's not what you told Detective Nash back in January
22 2014 though, was it?

23 A I don't remember.

24 Q Isn't it true you told Detective Nash that you had told
25 Simpson and Abu Bakr Ahmed not to use your Lenovo laptop?

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1 A Yes. I did tell them that.

2 Q You also admitted to Agent Nash that you looked at Inspire
3 Magazine on your own, correct?

4 A Yes.

5 Q And you wanted to see what it was all about?

6 A Uh-huh.

7 Q You knew that Anwar al-Awlaki was a major contributor to
8 Inspire, didn't you?

9 A No.

10 Q You told Agent Nash you didn't care about that Inspire
11 stuff, right?

12 A Yes, I did.

13 Q You said: You're asking for trouble. I don't follow that
14 kind of thing.

15 A Yes, I did.

16 Q Did you know that Anwar al-Awlaki had been killed in a
17 U.S. drone strike?

18 A Not at that -- at that time, no, I didn't.

19 Q You testified on direct that you moved out of the Vista
20 house and got away from Abu Bakr Ahmed because he was into
21 fraud stuff, right?

22 A Yes.

23 Q Yet you continued to have Mr. Simpson live with you?

24 A Simpson -- I didn't know that he was into anything.

25 Q But you knew that he had been convicted of lying to the

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1 FBI, didn't you?

2 A No, I didn't.

3 Q You tried to wipe that Lenovo laptop before giving it to
4 Sergio Martinez; isn't that right?

5 A Yeah. We both did. Me and Sergio.

6 Q Okay. And that was because there was bad stuff on it you
7 didn't want kids to see?

8 A Well, I didn't know exactly what was on it, so.

9 Q You testified yesterday that there was bad stuff on it.

10 A Bad stuff on it, but I didn't know exactly what was on it,
11 so I tried to wipe it because Detective Nash had spoke to me
12 about the Inspire Magazine and I didn't know what exactly what
13 was all on that computer.

14 Q So you didn't know that the bad stuff on there also
15 included Anwar al-Awlaki lectures about Violence Against
16 Western Targets?

17 A I didn't know about that Anwar al-Awlaki lectures was
18 violent.

19 Q While we're talking about electronic devices, you used
20 your Maxwest Gravity 5.5 cell phone as a WiFi hotspot for your
21 Acer computer, didn't you?

22 A I had hooked it up once for it but never used it. It
23 wouldn't work for me.

24 Q But you were, in fact, accessing the Internet using the
25 Acer Aspire, correct?

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1 A The Acer was hooked up to the Internet which was Cox at
2 the --

3 Q Okay.

4 A -- and that was at the Cochise house.

5 Q What about at your apartment that you moved into?

6 A I didn't have Internet there.

7 Q So how were you using the Nextbook to access the Internet?

8 A It was hooked up to my -- to my phone.

9 Q Okay.

10 A It always stayed hooked up to the phone.

11 Q Okay. So you set up a WiFi hotspot on your phone,
12 correct?

13 A Right.

14 Q And you used that to tether your computer and your tablet?

15 A Right. That's only the tablet. I didn't use the
16 computer.

17 Q So you stopped using the computer --

18 A Yes.

19 Q -- in May of 2015?

20 A No. I stopped using the computer back in around November.
21 I didn't really use the computer.

22 Q So the Acer --

23 A There was something wrong with it. We tried to get it to
24 get the computer fixed but it wouldn't work. It wasn't
25 working right for me.

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1 Q So the Acer computer that you had in your apartment on
2 June 10 of 2015 --

3 A Uh-huh.

4 Q -- you did not use that computer?

5 A I tried to use it but it wouldn't work. It wouldn't work
6 for me.

7 Q Okay. While we're getting those two laptops out, did you
8 use the Cox service to provide Internet access to the Roku
9 device.

10 A Yes.

11 Q And the Roku device is a media streaming player, right?

12 MR. MAYNARD: Excuse me. I can't hear while he's
13 doing this.

14 MR. KOEHLER: Okay. I'll pause for a minute.

15 THE WITNESS: A media streaming device?

16 MR. MAYNARD: Sorry.

17 THE COURT: Okay. The question was:

18 And the Roku device is a media streaming player,
19 right?

20 THE WITNESS: I wouldn't say "media." I know it
21 played movies.

22 BY MR. KOEHLER:

23 Q So you could use it to access Netflix, right?

24 A Yeah. Movies.

25 Q You could use it to access Hulu?

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1 A Yes.

2 Q You could use it to access YouTube?

3 A Not that one I had.

4 Q Okay. It got its movies and stuff off the Internet; is
5 that right?

6 A Yes.

7 Q Okay. Have you had a chance to look at these computers
8 before taking the stand?

9 A Say that again?

10 Q Have you had a chance to look at these laptop computers
11 before taking the stand?

12 A No.

13 MR. KOEHLER: May I approach the witness?

14 THE COURT: You may.

15 THE WITNESS: Okay. It's been a long time since I
16 seen this computer, so, okay.

17 MR. MAYNARD: Can you tell us the numbers on those?

18 MR. KOEHLER: 112 is the Acer and 161 is the Lenovo.

19 BY MR. KOEHLER:

20 Q Those were your computers, right?

21 A Well, the Acer was. The Lenovo was mine back in 2012 and
22 then I gave it to Sergio, so it belonged to Sergio.

23 Q So it's your testimony that you had no Internet access
24 other than through your Gravity 5.5 Maxwest phone?

25 A Yes.

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1 Q At the apartment?

2 A Yes.

3 Q At Cochise you had Cox Internet?

4 A I had Cox up until I would say -- I don't remember.

5 November.

6 Q You had CenturyLink at one point as well, didn't you?

7 A Right.

8 Q You testified on direct that Mr. Simpson was pushy with
9 you about wanting to go shooting, right?

10 A Yes.

11 Q In fact, you testified he was upset because Sergio
12 Martinez pushed back the shooting to the following weekend,
13 right?

14 A Yes.

15 Q Again, in May of 2015, May 5th, you told the FBI you did
16 not go shooting in the desert with Simpson and Soofi, isn't
17 that right?

18 MR. MAYNARD: Objection. It's been asked and
19 answered.

20 THE COURT: Overruled. You may answer.

21 THE WITNESS: No. I didn't say that.

22 BY MR. KOEHLER:

23 Q You also testified that you kicked Elton Simpson out of
24 your home in the summer of 2013, right?

25 A Yes.

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1 Q And your reasons were because he was watching military
2 videos and because you thought he had placed a tracking device
3 in your car?

4 A Yes.

5 Q Let's talk about the videos.

6 Were they videos of soldiers involved in battles in
7 the Middle East?

8 A Yes.

9 Q Did they have voiceovers?

10 A No. I just remember it was music playing.

11 Q Were they nasheeds?

12 A I don't know what -- well, it sounded like music.

13 Q Okay. Was it someone singing or was it actual, like,
14 music playing?

15 A Yeah. Somebody singing.

16 Q Was Elton Simpson watching beheading videos back in 2013?

17 A No. I never seen any.

18 Q And you never told the FBI any of this when you talked to
19 Detective Nash in 2014, correct?

20 MR. MAYNARD: Objection to the form of the question.

21 THE COURT: Sustained.

22 BY MR. KOEHLER:

23 Q You never told Agent Nash about Elton Simpson watching
24 military-type videos when you talked to him in January of
25 2014, did you?

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1 A When are you talking about? When I went to pick the
2 computer up?

3 Q You talked to him twice.

4 The day before you picked up the computer?

5 A On the phone?

6 Q Yes.

7 A That question was never asked.

8 Q And then you talked to him about -- you talked to him the
9 following day when you picked up the computer as well?

10 A I only talked to him twice but the question was never
11 asked.

12 Q Your May 5th, 2015, interview, you did not tell the agents
13 about Simpson watching those military-style videos, did you?

14 A I can't recall if I did or not.

15 Q And you didn't tell them about those videos in your
16 June 10, 2015, interview either?

17 A I can't remember if I did or not.

18 Q When you spoke to Detective Nash on January 24 of 2014,
19 that's when you got the Lenovo computer back, right?

20 A I don't remember the date that I got it back.

21 THE COURT: Well, does that sound about the time that
22 you got it back?

23 THE WITNESS: Yeah. It was like late January.

24 THE COURT: 2014?

25 THE WITNESS: Yes.

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1 BY MR. KOEHLER:

2 Q First off, you did not tell him that Elton Simpson had
3 authority to use your Lenovo laptop computer on behalf of your
4 business, did you?

5 A It was in 2014.

6 MR. MAYNARD: Objection, Your Honor.

7 THE COURT: Excuse me. Your lawyer wants to say
8 something first.

9 MR. MAYNARD: Objection to the form of the question
10 and it's been asked and answered; and three, we don't know
11 whether the question was ever asked.

12 THE COURT: Well, that may be a possible answer, but
13 it doesn't make the question objectionable.

14 Overruled. Please ask the question again, Mr.
15 Koehler.

16 BY MR. KOEHLER:

17 Q When you spoke to Detective Nash on January 24, 2014, you
18 got your Lenovo computer back from him, you did not tell
19 Detective Nash that you had authorized Elton Simpson to use
20 your Lenovo laptop computer on behalf of your business,
21 correct?

22 A It was in 2014 when he called me to come and get my
23 computer.

24 Q And then --

25 A The question was never asked did I let Elton see it --

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1 Elton come use my computer.

2 Q Well, the next day when you talked to him when you got the
3 computer, you told him about the fact that you made Simpson
4 leave your house, right?

5 A Right.

6 Q And you told him the reason you made Simpson leave the
7 house was because Simpson had been using your Lexus and --

8 A Right.

9 Q -- and not paying you for the use of the Lexus?

10 A Right. He was supposed to buy it.

11 Q And then you claim that he put a tracking device on your
12 car or you found something that you thought was a tracking
13 device?

14 A I found it, yes.

15 Q Right?

16 A Yes.

17 Q And then you took the car away from him, right?

18 A Right.

19 Q You told Agent Nash that the next day Simpson went and
20 bought himself a used car?

21 A Yes.

22 Q And that upset you?

23 A Right. And I put him out because of it.

24 Q And then you kicked him out because of that?

25 A No. I put him out that same day I found it. I didn't put

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1 him out the next day. I put him out the same day.

2 Q That you found the device?

3 A Yes.

4 Q But you didn't mention anything about those military
5 videos being a basis for putting him out?

6 A They wasn't asked. He didn't ask me those questions. I
7 volunteered that information.

8 Q Okay. But you didn't volunteer all the information, did
9 you?

10 A No, because he wouldn't ask that.

11 He asked me a question how is your friends and how
12 are they doing and I just volunteered that information.

13 MR. KOEHLER: I finally have things up and running.
14 I want to play a portion of a phone call between you and the
15 Gainsco Insurance Company.

16 BY MR. KOEHLER:

17 Q Do you remember getting a call from the insurance person
18 to ask you about your claim?

19 A Yes.

20 Q I want to play the beginning of this call and you tell me
21 if you recognize it.

22 THE COURT: First, you're going to tell us if it's
23 your voice that you hear in the conversation so we know
24 whether or not it's a conversation between you and someone
25 else.

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1 THE WITNESS: All right.

2 MR. KOEHLER: If I can switch to the laptop on the
3 lecturn, please.

4 It should be playing. Should I not see it on the
5 screens here?

6 (Playing Exhibit 601 audio to the jury.)

7 MALE SPEAKER #1: "This is (inaudible) calling from
8 the Gainsco Insurance. I'm calling about No. AZ415257.
9 April 8, 2015, approximately 4:09 p.m. Central Time. I do want
10 you to know this call will be recorded for training and
11 investigative purposes.

12 Do I have your permission to proceed?

13 MALE SPEAKER #2: Yes, you do. And I just have to
14 ask you about that last part (inaudible).

15 MALE SPEAKER #1: And can you confirm your first and
16 last name, please.

17 MALE SPEAKER #2: First name is Abdul Malik Abdul
18 Kareem.

19 MALE SPEAKER #1: Is "Abdul Malik" one word.

20 MALE SPEAKER #2: No.

21 MALE SPEAKER #1: And is "Abdul Kareem" also two
22 words as well?

23 MALE SPEAKER #2: Yes.

24 MALE SPEAKER #1: And, sir, what is your date of
25 birth."

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1 BY MR. KOEHLER:

2 Q Do you recognize your voice on that call?

3 A Yes.

4 Q And that's the call that you had with the insurance
5 company on April 8, 2015, correct?

6 A I don't remember the date.

7 THE COURT: But it was just a little bit after the
8 accident at the T-Mobile parking lot?

9 THE WITNESS: Yes.

10 MR. KOEHLER: Move to admit 601.

11 MR. MAYNARD: Assuming that the rest of the tape,
12 that's all it is, that's fine. I mean, I haven't heard the
13 tape.

14 THE COURT: Then 601 is admitted.

15 (Exhibit No. 601 admitted in evidence.)

16 THE COURT: Excuse me. Could you stop it for just a
17 moment? Since it's now admitted, the court reporter does not
18 have to attempt to take down the audio. You may continue.

19 (Playing Exhibit 601 audio to the jury.)

20 BY MR. KOEHLER:

21 Q That was a true recording of that entire conversation,
22 correct?

23 A I believe so.

24 Q All right. Now that my computer is done with the reboot
25 and playing that, let's circle back.

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1 You said on direct examination that Simpson would
2 never let anybody see him tweet on a cell phone; is that
3 right?

4 A Yeah -- or text.

5 Q I've placed on your screen -- can you see that there,
6 Exhibit 133, which is in evidence?

7 A Yeah.

8 Q Do you recognize that?

9 A That's him on the phone.

10 Q And you took that picture of him, right?

11 A Yeah. I was sitting down.

12 Q And so he's sitting there. You can see his phone. And
13 you take a picture of him of it?

14 A Taken when -- that's an L-shaped couch. I'm sitting --
15 the couch go like this (indicating). He's sitting on this end
16 and I'm sitting directly over here.

17 Q Well, let's go to 134, also in evidence.

18 You took that photo of him as well?

19 A Yeah. I don't see him tweeting or texting.

20 Q No. I didn't ask that question.

21 A You asked me that question -- you said --

22 Q I did not ask you that question just then.

23 No, I just asked you --

24 A I asked me the question that --

25 Q Sir, there's no question before you.

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1 Do you see him in the photo there, right?

2 A Yes.

3 Q You took that photo also, correct?

4 The date on that one February 18, 2015, correct?

5 A I can't see it.

6 Q Does that help you?

7 A Yes.

8 Q Now, let's go back to that 133 real quick. I'll go to the
9 second page of that. What's the date of that?

10 A The 23rd.

11 Q February 23rd, right?

12 A Yes.

13 Q You took both of those photos, correct?

14 A I believe so.

15 Q In your interview you mentioned having seen a video
16 depicting a person being burned alive in a cage, right?

17 MR. MAYNARD: Objection to the form of the question.

18 I don't know what interview he's talking about.

19 THE COURT: Yeah. Let's be more specific.

20 BY MR. KOEHLER:

21 Q In your June 10, 2015, interview you told the agents that
22 Elton Simpson showed you a video of somebody being burned
23 alive in a cage; is that right?

24 A I believe so.

25 Q I'm going to show you page 27 of Exhibit 157 which is in

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1 evidence on the document camera.

2 Those are screenshots from that video; is that right?

3 A I believe so. That's all I seen of the video. I didn't
4 see him get burned alive.

5 Q During your June 10 interview --

6 A I only seen the beginning of the video. I didn't see the
7 whole video. Nothing getting burned alive. As soon as
8 Simpson was about -- when he was showing it to me, after he
9 was showing this to me, I told him --

10 Q Sir, there's no question before you.

11 A Okay.

12 Q Thank you. It's your testimony you never went to the
13 apartment of Elton Simpson and Nadir Soofi prior to --
14 Nadir Soofi prior to February 2015, correct?

15 A Right.

16 Q And you only slept in that apartment one time, right?

17 A Right.

18 Q That was in February 2015 when your water went out?

19 A Yes.

20 Q And then I want to make sure I understand you correctly.

21 You testified on direct examination that you only
22 went into that apartment four or five times total?

23 A Yes.

24 Q And Ali Soofi was present each time you went there?

25 A Yes.

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1 Q And, again, you only spent the night once?

2 A Yes.

3 Q You testified on direct examination that someone called
4 you in October or November and told you that Elton Simpson and
5 Nadir Soofi bought AK rifles, correct?

6 A Yes.

7 MR. MAYNARD: Objection to the --

8 THE COURT: Yeah, let's -- we have been talking about
9 various years. And you said October or November but you
10 didn't say whether --

11 MR. KOEHLER: I'm sorry. 2014.

12 THE COURT: Okay. Was that the objection?

13 MR. MAYNARD: Well, that was part of the objection.
14 The other one, I don't believe he testified as to the years
15 when that -- or the time period when the phone call was made.
16 He said he got called at some point.

17 THE COURT: Okay. Well, why don't you ask your
18 question again. I can't remember that.

19 BY MR. KOEHLER:

20 Q You testified on direct examination that you got a call
21 from someone in October or November, 2014, and that person
22 told you that Elton Simpson and Nadir Soofi had purchased
23 AK -- or AK-style rifles; is that right?

24 MR. MAYNARD: Objection to the form of the question.

25 THE COURT: Overruled. You may answer.

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1 THE WITNESS: Yes.

2 BY MR. KOEHLER:

3 Q Who was it who called you and told you that?

4 A I don't remember.

5 Q When you talked to the FBI in May 2015, you didn't tell
6 them that information about that phone call, did you?

7 MR. MAYNARD: Objection to the form of the question.

8 THE COURT: Overruled. You may answer.

9 THE WITNESS: I don't remember.

10 BY MR. KOEHLER:

11 Q And during your interview on June 10, 2015, you didn't
12 tell the FBI about that phone call, did you?

13 A I don't remember.

14 Q When you testified on direct, you testified about the
15 shooting being close to the evening time; is that right?

16 MR. MAYNARD: Objection to the form of the question.
17 I'm not sure what he means by "the shooting."

18 THE COURT: Are you talking about the time when
19 everyone went with Sergio and Sergio's kids and he and Simpson
20 and Soofi?

21 BY MR. KOEHLER:

22 Q Correct. So when you went shooting with Sergio Martinez
23 and his boys and Elton Simpson and Nadir Soofi in the desert
24 near Wittmann, do you recall that?

25 A Yes.

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1 Q And you testified that that event wrapped up close to
2 evening time, right?

3 A Yeah. It was getting dark.

4 Q Because you could see the muzzle flashes?

5 A Yes.

6 Q Okay. And during your testimony you mentioned that you
7 saw that Simpson had been moving -- maybe he wasn't still
8 running but he was moving while shooting, correct?

9 A Well, yeah, he was still moving while shooting.

10 Q And you testified that you tried to take a photo of
11 Simpson and he got mad and made you delete the photo, right?

12 A Right.

13 Q And yet, again, during your May 5, 2015, interview, you
14 did not tell the FBI that, did you?

15 A I don't believe the question was asked and I don't
16 remember.

17 Q Well, in fact, you denied going shooting in the desert at
18 all on May 5, 2015, correct?

19 A Like I told you, I don't believe the question was asked.
20 I don't remember the question.

21 Q Okay. And in your June 10, 2015, interview, you told the
22 FBI that he was not moving while shooting, correct?

23 A I don't remember.

24 Q And you did not tell the FBI about taking a photo and
25 Simpson getting upset, did you?

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1 A Well, no, I don't remember in that interview. I was
2 scared to death on June 10th.

3 Q That's not the question I have for you, sir.

4 I asked you a very simple question.

5 A I don't remember.

6 Q Did you tell the FBI? Yes or no?

7 A I don't remember.

8 Q When you interviewed with the FBI on June 10, 2015, you
9 talked about going and purchasing the 38 Special ammunition,
10 correct?

11 A Yes.

12 Q You told them you bought a pack of it?

13 A Yes.

14 Q In fact, the tan bag that we showed here in court earlier,
15 that's the bag that that ammunition came in, isn't it?

16 A Not that I -- I don't remember.

17 MR. KOEHLER: May I approach the witness?

18 THE COURT: You may.

19 THE WITNESS: I wouldn't say that bag.

20 MR. MAYNARD: Oh, whoa. Whoa.

21 THE COURT: Wait. Wait. Wait until Mr. Koehler --
22 just look at it and then he is going to ask you a question for
23 you to answer. Don't start talking until he asks a question.

24 MR. KOEHLER: May I speak from here?

25 THE COURT: Yes.

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1 BY MR. KOEHLER:

2 Q I want you to read what that says right there on the bag.

3 A Okay. I see it.

4 MR. MAYNARD: Do you want to show it to me?

5 BY MR. KOEHLER:

6 Q It says it's 38 Special ammunition, PMC, correct?

7 A Yes.

8 Q During that June 10th interview, you did not tell the FBI
9 that Elton Simpson was with you when you went and bought that
10 ammunition, did you?

11 A I don't remember.

12 Q Specifically, you told the FBI that that ammunition was
13 all for yourself, correct?

14 A I don't remember.

15 MR. KOEHLER: May I replay this section of your
16 interview? This is 428 which is in evidence.

17 (Playing Exhibit 428 for the jury.)

18 BY MR. KOEHLER:

19 Q This bag I showed you in Exhibit No. 23, that's plastic,
20 right?

21 A Yes.

22 Q And it has two little holes at the top of the bag, little
23 handle holes?

24 A Yes.

25 Q In your June 10th interview with the FBI, you told Agent

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1 Whitson and Detective Nash you only saw Elton Simpson probably
2 once or twice a month in the months preceding the attack in
3 Garland, correct?

4 A Right.

5 Q That wasn't -- that wasn't true though, was it?

6 A I probably seen Elton probably about -- I would say about
7 around two -- about two times.

8 Q Okay. And during your June 10 interview, you told the
9 agents that you went to that apartment twice, probably three
10 times, correct?

11 A I'm not sure if I said that or not but I know I been there
12 probably about a handful.

13 Q And the last time you were at that apartment was about a
14 month-and-a-half before the Garland attack?

15 A Yes, when I went and picked them up.

16 Q Now, you saw Elton Simpson and Nadir Soofi get on the
17 Internet at times, didn't you?

18 A Where?

19 Q And you knew that --

20 A No. I said "where."

21 THE COURT: He said "where" not "yeah."

22 BY MR. KOEHLER:

23 Q I'm just talking in general.

24 You saw them get on the Internet and watch videos in
25 the past.

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1 A Not Nadir.

2 Q Just Elton Simpson?

3 A Just Elton Simpson when he was living at my house.

4 Q And you knew that these were things that had gotten him in
5 trouble before, correct?

6 A After I found out, yeah, he got in trouble for those.

7 Q Let's talk about that for a minute.

8 You knew he was on probation, right?

9 A I found out he was on probation.

10 MR. MAYNARD: Objection to the form of the question.

11 THE COURT: Overruled. He said yes he knew he was on
12 probation.

13 BY MR. KOEHLER:

14 Q And --

15 A I found out he was on probation in 2014.

16 Q Well, when he was living with you, he had a probation
17 officer coming to do home visits, didn't he?

18 A No. He was on summary probation. Once I found out. He
19 reported to them. They didn't come to the house.

20 Q And, in fact, you had some of his probation-related
21 documents in your apartment on June 10, 2015, when the FBI
22 searched your apartment, didn't you?

23 A No.

24 Q You had a whole boxful of his stuff in your apartment?

25 A No. It probably wasn't in my apartment. I believe it was

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1 in my storage area but I didn't know it was his. And the
2 storage area was in the backyard. It probably was out in the
3 backyard, not in my apartment.

4 Q He also sent you an e-mail in November of 2014 that
5 included a forwarded communication from his probation officer,
6 correct?

7 A He was at my house and he couldn't read the document that
8 was on his phone and he asked me can he forward it to my
9 e-mail address so he can print it out.

10 Q That wasn't my question.

11 I'm just asking you a yes-or-no question.

12 A Yes.

13 Q You previously had a 380 caliber pistol in your home at
14 some point, didn't you?

15 A No.

16 Q Which device did Elton Simpson use to show you the video
17 of the Jordanian pilot?

18 A He used his phone.

19 Q Now, I think you've already acknowledged that ISIS is the
20 group that claims to have a Khilafah; is that right?

21 A Yes.

22 Q And you went and saw Abdullah Mubarak yourself to talk to
23 him about the existence of a Khalifah, correct?

24 A We was in the car.

25 Q You were what?

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1 A We were in the car.

2 Q You were in the car?

3 A Yes. In my car. I wasn't at his house.

4 Q Did you previously have a shotgun in your home?

5 A No. I didn't have a shotgun in my home. Those shotgun
6 shells I have a long time.

7 Q I'm sorry?

8 A I said those shotgun shells I had for a long time.

9 Q And you just had them for the heck of it?

10 A No. They was supposed to go to Sergio.

11 Q All right. And you testified that you listened to Anwar
12 al-Awlaki CDs from 2010 to 2015, correct?

13 A Yes.

14 Q How many of his CDs did you own?

15 A I think 16. Only it was a case that came with The Lives
16 of the Prophet and I think 16 CDs come in that case.

17 Q Did you have any other series of his?

18 A No.

19 Q So you listened to that one series over and over again for
20 five years?

21 A Yes.

22 Q Where did you get that?

23 A I believe I bought it at a book store. I'm trying to -- I
24 think it was off of like 52nd Street and McDowell.

25 Q You had other CDs of his that had handwritten labels on

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1 them, didn't you?

2 A They weren't mines probably. I don't -- I only had Lives
3 of the Prophet.

4 Q But you listened --

5 A I don't know if those CDs that you had belonged to my
6 nephew.

7 Q But you were listening to them, right?

8 A No.

9 Q So you didn't have them in your car?

10 A I had them in my car but my CD player didn't work.

11 MR. KOEHLER: If I can have a moment?

12 That's all I have, Your Honor.

13 THE COURT: Ladies and gentlemen, we will take our
14 morning break and we will reconvene at 10:30.

15 You are reminded of the use admonitions.

16 Court is in recess until 10:30.

17 (Recess taken at 10:15 a.m.; resumed at 10:32 a.m.)

18 THE COURT: Thank you, ladies and gentlemen. Please
19 sit down. The record will show the presence of the jury,
20 counsel, and the defendant.

21 Mr. Maynard, questions on redirect.

22 MR. MAYNARD: Thank you, Your Honor, please.

23 **REDIRECT EXAMINATION**

24 BY MR. MAYNARD:

25 Q I'm going to put on the overhead the Exhibit 602 that was

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1 admitted.

2 That is a remote for a Roku; is that correct?

3 A Yes.

4 Q Okay. Was that device programmed to your television in
5 your living room at your house on Cochise?

6 A Yes.

7 Q Could you watch YouTubes on the television in your house
8 on Cochise using this Roku device?

9 A Not this one.

10 Q Okay. Were there other Roku devices in your house?

11 A Yes.

12 Q Who owned those Roku devices?

13 A Stefan had one and Billy Eldridge had the other one.

14 Q On the TV that was in your living room could you watch any
15 YouTubes?

16 A No.

17 Q Okay. Would it have been possible to have programmed this
18 device on one of the other Rokus so that one could watch
19 YouTubes?

20 A Yes. The device that I had, this one, was a Roku 1, like
21 the very first Roku and I programmed that remote to that Roku.

22 Q The one that was in the living room?

23 A Right.

24 Q Okay. You were asked some questions about Elton Simpson
25 and knowing when -- learning when he first had a felony

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1 conviction.

2 Tell the jury, when did you first learn that Elton
3 Simpson had a felony conviction?

4 A In 2014.

5 Q And how is it that you learned that he had a felony
6 conviction?

7 A He had got -- he had sent -- he asked me could I -- can he
8 send me an e-mail from his probation officer so he -- because
9 he couldn't see it on his phone.

10 And I had a printer and he wanted to print that
11 document out. So I let him send it to my e-mail and then I
12 printed the document out and then I seen that he was on
13 probation.

14 Q At the time that he lived with you at Vista, did a
15 probation officer ever come to the Vista house while you were
16 there?

17 A No.

18 Q At the time that he lived with you on Cochise, did a
19 probation officer ever come to the house while you were there?

20 A No.

21 Q Okay. You indicated a few minutes ago that it was your
22 understanding that he was on a different type of probation
23 where he actually went to see the probation officer; is that
24 correct?

25 A Right.

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1 Q When did you learn that?

2 A Well, I don't think he went to go see them. He didn't
3 have to go see them.

4 Q You think he was on probation and they just didn't check
5 on him?

6 A Yeah. He told me it was summary probation and summary is
7 like you don't go.

8 Q Okay. Now, you were asked some questions you got a
9 \$13,200 settlement on a case and you cashed it at a check
10 cashing place rather than putting it in the bank.

11 A Yes.

12 Q Okay. Explain to the jury why you did that that way?

13 A All right. I got the check for the \$13,800 and I -- I got
14 the check. I cashed it at the check cashing place because if
15 I was to deposit it into the checking account, they will hold
16 it for at least seven days.

17 I had already talked to the guy in San Diego on me
18 purchasing the truck and he had another buyer to buy the
19 truck. So I cashed the check and then took the \$10,000 and
20 deposited it into the BMO Harris account and withdrew \$5,000
21 out a couple days later.

22 Q Now, you were asked some questions about whether -- while
23 we have been here in court you have had a chance to look at
24 these laptops, the Acer and the Lenovo.

25 Do you recall that question?

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1 A Yes.

2 Q Okay. That is your Acer -- or it was your Acer and it was
3 your Lenovo at one time?

4 A Yes.

5 Q You've not had a chance to look at any of this stuff after
6 court any day, have you?

7 A No.

8 Q Why not?

9 A Because I'm incarcerated and been incarcerated for over
10 ten months. And nobody has brought any of these devices up to
11 the jail for me to look at.

12 Q In fact, are you in solitary confinement?

13 A Yes.

14 Q Okay. Do you have a television?

15 A No.

16 Q Do you have access to radio?

17 A No.

18 MR. KOEHLER: Objection. Beyond the scope.

19 THE COURT: Sustained.

20 BY MR. MAYNARD:

21 Q You were asked about a number of different -- I guess it
22 was said -- interviews that you gave.

23 In 2014 you went and met with Agent Nash and got back
24 your computer; is that correct?

25 A Yes.

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1 Q Okay. You talked to him over the phone before you went
2 and got the computer?

3 A Yes.

4 Q Okay. Did you think that that was an interview that you
5 were doing with him?

6 A No.

7 Q Okay. Did he ask you some questions?

8 A Yes.

9 Q Okay. Did you answer those questions when he asked you?

10 A Yes.

11 Q Okay. When you went and you picked up the computer, did
12 you sit down and have a formal interview with him?

13 A No.

14 Q Did he ask you some questions?

15 A Yes.

16 Q Did you answer those questions at that time?

17 A Yes.

18 Q At any time in 2014 when you met with Detective Nash to
19 get back your computer, did you think you were actually being
20 interviewed by the FBI?

21 A No.

22 Q What did you think was going on at that time?

23 A I was just coming there to pick the device up.

24 Q So when you said you didn't volunteer any information, if
25 he asked you questions, you answered it?

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1 A Right.

2 Q Okay. Now, in May of 2015, that was a formal interview at
3 the FBI office, correct?

4 A Yes.

5 Q Okay. Did you answer the questions there to the best of
6 your knowledge?

7 A Yes.

8 Q Okay. Did you answer the questions that they asked you?

9 A Yes.

10 Q Okay. Were you -- were you nervous at the time?

11 A Yes. I was.

12 Q Were you having some trouble with your diabetes?

13 A Yes.

14 Q Okay. Did you do the best you could to answer the
15 questions that were asked at the time?

16 A Yes.

17 Q Did they also caution you that if you lied to them, that
18 could be a federal offense?

19 A Yes.

20 Q Okay. Now, you then had a -- you then actually went back
21 voluntarily to the FBI office several weeks later, correct?

22 A Yes.

23 Q Okay. Were you willing to answer questions at that time?

24 A Yes.

25 Q And what was the purpose of going back several weeks

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1 later?

2 A Well, I was being followed and it was really -- I was
3 really, really -- it was over --

4 MR. KOEHLER: This is beyond the scope of cross, Your
5 Honor.

6 THE COURT: Overruled.

7 THE WITNESS: I was being followed and I didn't know
8 exactly why I was being followed.

9 And it was -- they almost caused me to get into an
10 accident a couple times. And I went back so I could speak to
11 somebody and talk to somebody because I didn't know exactly
12 what was -- why I was being followed at the time.

13 BY MR. MAYNARD:

14 Q All right. Now, you were arrested on June 10th of 2015?

15 A Yes.

16 Q You're taken into custody and you're taken into the FBI
17 office again?

18 A Yes.

19 Q Are you nervous?

20 A Very nervous.

21 Q Are you scared?

22 A Yes.

23 Q Are you asked a number of questions again by Agent Whitson
24 and Detective Nash?

25 A Yes.

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1 Q Did you do the best you could to answer those questions at
2 that time?

3 A Yes.

4 Q Did Agent Whitson ask you whether or not you had been
5 shooting with Soofi and Simpson at some point?

6 A Yes.

7 Q Did you tell -- what did you tell him?

8 A I told him that I was -- I was -- I was shooting with
9 them.

10 Q Did he ever say to you, "You didn't say that to me in the
11 last interview"?

12 A I don't believe so, no.

13 Q You were asked questions about the May 5th interview.

14 Did they ever show you any pictures of the weapons
15 that we've seen here for the last four weeks?

16 A No.

17 Q Okay. Do you have any idea what weapons Simpson and Soofi
18 would have been using in Garland, Texas?

19 A No. The only weapons -- I don't know what weapons they
20 would have been using. Only weapons I know is that these
21 weapons that they brought in here.

22 Q You had seen the weapons that they had when you had been
23 out in the desert shooting in January?

24 A Yes.

25 Q Did you know whether or not they still had those weapons

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1 or not?

2 A No.

3 Q Do you know whether they had acquired any new weapons or
4 not?

5 A No.

6 Q You were asked a question on cross-examination about
7 receiving a phone call from somebody telling you that some
8 individuals had purchased a -- or had gotten an AK.

9 Do you recall that question on cross-examination?

10 A Yes.

11 Q Okay. I believe on cross-examination you said that the
12 caller told you that it was Simpson and Soofi who had bought
13 AKs in October or November?

14 A No. It was Simpson. Somebody calling me and said Simpson
15 had purchased AKs.

16 Q Did somebody ever call you and tell you that Soofi had
17 purchased an AK?

18 A Later. Later somebody had called and said Soofi had
19 purchased.

20 Q You were asked whether or not you had ever had a 380
21 pistol in your home.

22 Did you ever have a 380?

23 A No.

24 Q Did you ever have any 380 ammunition in your house?

25 A I believe it was only one bullet that was there.

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1 Q Do you have any understanding of how that one bullet got
2 there?

3 A I was sweeping the truck. And when I was cleaning the
4 truck out, the back end of the truck and I found the clip and
5 the one bullet in the back. And I didn't want to dispose of
6 it, so I just put it in a drawer.

7 Q We listened to the tape recording of your talking to an
8 insurance agent or somebody, an insurance adjuster --

9 A Yes.

10 Q -- for the woman that ran into you.

11 Had you ever heard this tape before?

12 A No.

13 Q Do you recall that the conversation did occur sometime
14 within a week after that accident?

15 A Yes.

16 Q Okay. Did you have an attorney at the time?

17 A No.

18 Q Had you ever had an attorney prior to that?

19 A No.

20 Q Had you had one for your lawsuit?

21 A Yes.

22 Q Did you call that attorney?

23 A No.

24 Q When was it that you first went to an attorney for the
25 lawsuit involving getting hit in the packing lot?

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1 A I believe it was like a week -- a week later. I don't
2 really remember the dates.

3 Q Was it after you had gone to the chiropractor?

4 A Yes.

5 Q You were shown some pictures of Simpson holding his cell
6 phone that apparently you took at different times in February?

7 A Right.

8 Q Did Simpson -- was Simpson on his cell phone often?

9 A All the time.

10 Q Did he show you what he was doing when he was on his cell
11 phone?

12 A No.

13 Q Did you know whether he was tweeting versus texting versus
14 e-mailing?

15 A No.

16 Q Did he ever show you any of those?

17 A No.

18 Q There was questions asked of you and we heard a videotape
19 of your interview.

20 In the videotape you said that you bought those 38s
21 just for you. You heard that?

22 A Yes.

23 Q Okay. Did you buy those 38s just for you?

24 A No. Me and Simpson, we split them. We -- he gave me \$75
25 and I put my \$75 up and we bought them.

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1 Q Okay. You were asked about why you hadn't volunteered
2 certain information to Detective Nash in November such as you
3 didn't volunteer to him that you had seen any military videos.

4 Do you recall that?

5 A Yes.

6 Q You did volunteer at some point in that conversation --
7 you must have told them that you had thrown Simpson out at one
8 point?

9 A Yes.

10 Q Did you volunteer to him that you got help from
11 Mr. Mubarak and two other individuals to throw Simpson out?

12 A No.

13 Q Why not?

14 A I didn't think it was relevant.

15 MR. MAYNARD: I don't have any further questions,
16 Your Honor.

17 THE COURT: Thank you, Mr. Kareem. You may step
18 down.

19 MR. MAYNARD: Can he be released?

20 THE COURT: No.

21 You may call your next witness.

22 MR. MAYNARD: Defense calls Dr. Marc Sageman.

23 (Witness duly sworn)

24 THE CLERK: Please state your name for the record,
25 spelling your first and last name.

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1 THE WITNESS: Marc Sageman. Marc is with a "C," so
2 it's M-A-R-C. Sageman. S-A-G-E-M-A-N.

3 THE COURT: Some of the jurors may have observed that
4 Dr. Sageman has been sitting in the courtroom yesterday and
5 today listening to the testimony and wondered about that rule
6 that I talked about.

7 Last Friday the parties agreed, the government and
8 the defense agreed that Mr. Sageman, because of the nature of
9 his testimony, could remain in the courtroom and listen to any
10 testimony that was given prior to the time he testified.

11 So that was an agreement between the parties that he
12 could do that. You may proceed.

13 MR. MAYNARD: Thank you, Your Honor.

14 **MARC SAGEMAN, WITNESS, SWORN**

15 **DIRECT EXAMINATION**

16 BY MR. MAYNARD:

17 Q Would you introduce yourself to the jury.

18 A My name is Marc Sageman. I just spelled my name.

19 Q Okay. You are a doctor?

20 A That's correct, yes.

21 Q And what -- tell the jury what degrees you hold and from
22 what universities.

23 A I have a B.A. from Harvard University. I have a Master's
24 Degree and a Ph.D. and a Medical Doctorate, so I have two
25 doctorates, all from New York University.

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1 Q And what area of medicine have you specialized in?

2 A Three. I specialize first in pathology, surgical
3 pathology. I became a flight surgeon. And then I became a
4 psychiatrist and subspecialized in forensic psychiatry.

5 Q Could the witness be shown Exhibit 538, please.

6 Dr. Sageman, I'm going to ask you to look at Exhibit
7 538. Can you identify that for me?

8 A Yes. It's my Curriculum Vitae. It's my resume.

9 Q Okay. Did you prepare this in the normal -- have you had
10 this prepared for some time?

11 A Yes.

12 Q And do you update it periodically?

13 A I do. And I realize this is not the last updated version.

14 Q Okay. Does this CV or resume accurately depict --

15 THE COURT: Well, let's just stop right there.

16 Either the government is going to not object and it
17 will be admitted, or the government will object and I will
18 sustain the objection on the basis of hearsay.

19 You can't establish a hearsay exception, but I think
20 somebody didn't object to the last resume that was offered, so
21 why don't we just test that before we go through a lot of
22 process that won't be successful in the absence of an
23 agreement to its admission.

24 MR. MAYNARD: I move for the admission of Exhibit
25 538.

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1 MR. KOEHLER: Your Honor, we did not offer Mr.
2 Kohlmann's curriculum vitae into evidence.

3 THE COURT: No. I know you didn't, but somebody
4 else's was and it was admitted, so I didn't know if you were
5 going to object or not.

6 MR. KOEHLER: We will let it come in. No objection.

7 THE COURT: 538 is admitted. Thank you.

8 (Exhibit No. 538 admitted in evidence.)

9 BY MR. MAYNARD:

10 Q Okay. 538. We have your professional qualifications and
11 associations. You're a diplomate of a number of different
12 psychiatry boards; American Board of Psychiatry, American
13 Board of Psychiatry and Neurology, correct?

14 A That's correct, yes.

15 Q Let's talk for a moment about after you got out of school.
16 What did you do as your profession?

17 A Which school?

18 Q Medical school.

19 A I first -- I wanted to get into academics, so I became a
20 pathologist. Pathologists know everything. They just don't
21 do anything.

22 But I was interested in pathology, and especially in
23 international health. And from my residency in pathology, I
24 joined the Navy because they have the three best hospitals on
25 tropical diseases in the world in Cairo, Manila, and the

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1 Philippines and -- and Panama. I'm sorry.

2 And I was posted to Japan when I was in the Navy.

3 And at that time the boat people came out from Cambodia after
4 the genocide in Cambodia. And I'm a child -- a Holocaust
5 survivor. I grew up in France. I have an accent, as you can
6 tell, and, you know, genocides are very -- you know, I'm
7 obsessed by them.

8 My undergraduate thesis is how people survived
9 concentration camps when I was at Harvard. I've kind of
10 looked at political violence all the time. And the military
11 was not doing anything, so I decided to join a U.S. government
12 agency that actually was doing something about genocides in
13 the early 80s to do something about it.

14 Q And after you got out of the Navy, what agency did you
15 join?

16 A Well, supposedly my relationship with that agency is still
17 classified, so let's call it a secret government agency. I
18 worked there for seven years. I was assigned both in
19 Washington, Islamabad, and New Delhi, India, and there I dealt
20 with the Afghan refugees.

21 Q At some point did you begin to develop an interest in
22 studying terrorism?

23 A Well, I did during the 80s while I was dealing with the
24 Afghans. The mujahideen, the Freedom Fighters, were fighting
25 against the Soviets at the time. And I was there from 1987 to

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1 1989, so the last two years of the war.

2 And then when I returned to medicine, I was
3 interested -- I decided to actually continue, but in civilian
4 violence, so psychiatry and forensic psychiatry, looking
5 really at criminal behavior, serial criminal behavior.

6 I was at that time teaching courses on
7 ethno-political conflict. I'm sorry. I have a tendency to
8 speak fast, so please stop me.

9 And I taught courses on such conflict and on
10 terrorism even prior to 9/11. And, of course, 9/11 put
11 everything in terms of my background in focus and I started
12 looking at the people who did 9/11 and, you know, in the last
13 15 years I have been studying terrorism.

14 Q Have you taught at any universities?

15 A Yes. Several.

16 Q And tell the jury where you have taught and the areas that
17 you've taught in.

18 A As an undergraduate I taught physics at Harvard. I was a
19 physics major. At the University of Pennsylvania I taught law
20 and psychiatry for seven years, forensic psychiatry.

21 And I taught trauma, the psychology of trauma the
22 Moral Psychology of Holocaust Perpetrators. All those were
23 seminars, semester-long seminars. Then the Psychology of
24 Terrorism, all those at the University of Pennsylvania.

25 And then later on I taught a seminar, a very good

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1 seminar on terrorism at Columbia University. And at the same
2 time, I think, I have lectured at at least 40, 50 major
3 universities worldwide.

4 Q And I'm going to put on the screen page 3 of your resume.

5 The seminar-long courses you have taught, is this --
6 are these the universities that you have given lectures at on
7 terrorism?

8 A Yes. There are a few more because, as I said, this is not
9 the most recent.

10 Q At some point I contacted you or my office contacted you
11 about retaining you in this case; is that correct?

12 A Yes.

13 Q How much are you being paid an hour to testify in this
14 case?

15 A I'm paid \$300 an hour. I'm paid for my time, not for my
16 testimony.

17 Q Did you -- what did you look at in this case to prepare
18 for your testimony?

19 A I -- you know, I always ask for the whole discovery
20 material and, you know, I pick and choose what's relevant from
21 the discovery material. And I guess I have probably received
22 it, like you did, in drips and drabs, including yesterday, the
23 last, so I have looked at the discovery material mostly.

24 Q Okay. Were you familiar with Evan Kohlmann who's
25 testified in this case?

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1 A Oh, yes, very much so.

2 Q When did you first become familiar with Evan Kohlmann?

3 A When I was teaching at the University of Pennsylvania.

4 The University of Pennsylvania Press forwarded me a manuscript
5 on the War in Bosnia to review and Evan Kohlmann was the
6 author of that manuscript.

7 Q At that particular time were you teaching at the
8 University of Pennsylvania?

9 A Yes, I was.

10 Q And was he a student there?

11 A Not my student. He was a law student. I taught at the
12 School of Arts and Sciences and the Medical School. I didn't
13 teach at the law school.

14 Q Okay. Did -- did you determine to accept that manuscript
15 from Mr. Kohlmann for publication?

16 A No. I didn't think it was an academic manuscript. He
17 basically was taking mujahideen propaganda which, of course,
18 exaggerate their deeds. He had no methodology. I didn't
19 think it was worthy of publication, so I rejected it.

20 Q So you actually have read his book, but you read it before
21 it was published?

22 A Well, that was the earlier version of the book. Then I
23 read his book afterwards, and he did modify a few things.

24 Q No, just a second, Your Honor. I lost her.

25 And doing the work that you do on terrorism, have you

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1 written any books?

2 A Yes. I have written both unclassified stuff and
3 classified stuff. And so two books are unclassified and two
4 other books are going to be published this year.

5 Q Let's talk about the -- what's the first book that you
6 wrote?

7 A The first book on the subject was Understanding Terror
8 Networks. It was published by the University of Pennsylvania
9 Press in 2004.

10 Q And what was the thesis of that book?

11 A Asking an author to condense, you know, a life's worth in
12 two sentences?

13 Basically, I looked at the history of the jihad. You
14 know, I called it at that time *The Global Salafi Jihad*, its
15 origin, how it spread, its ideology, how people get recruited
16 in it, how people join the movement, how people carry out
17 operations.

18 I looked at the psychology of the terrorists and I
19 did a social network analysis of the people that -- the 117
20 individuals which were the database for my book.

21 Q And how did you go about doing the research for that book?

22 A At that time I did not have my clearances back, so I had
23 to use open source; Newspaper accounts, sometimes trial
24 transcripts that I could -- that -- because the movement
25 started in the 1980s, so there was some trials in the 1990s

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1 and one in 2001, the trial about the East African Embassy. So
2 that was available. Trial transcripts are chockful of
3 information and that was the basis of my database.

4 Q And when did you publish that first book?

5 A In 2004.

6 Q And what is your second book? When did you publish it?

7 A The second book was called *Leaderless Jihad* and that was
8 published in 2008.

9 Q And what is sort of the thesis of that book in a few
10 sentences?

11 A The thesis of that book was that in the four years
12 between 2004 and the second book 2008, the threat against the
13 West was changing.

14 You know, at first it was very much al-Qa'ida sending
15 almost teams like 9/11 threatening the West. But I saw a
16 change, kind of homegrown terrorism. That's why it was called
17 *Leaderless Jihad*. And it was shifting to young people trying
18 to carry out operation on behalf of the terrorist
19 organization, foreign terrorist organization, but not being
20 directed or orchestrated by the foreign terrorist
21 organization.

22 So this was very much young people volunteering.

23 And, indeed, the case here at present of Simpson and Soofi is
24 the poster children of my thesis. That's exactly what I was
25 talking about in 2008, predicting almost what would happen

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1 now.

2 Q You have indicated that you have a couple of other books
3 that are in the works.

4 A Yes.

5 Q Can you describe to the jury what those books are?

6 A The first one, which is a shorter book, is called
7 *Misunderstanding Terrorism*. And I'm kind of showing how the
8 sound bites about terrorism, the lack of appreciation of the
9 numbers, the real threat, that leads people to really kind of
10 misunderstand and, indeed, exaggerate the threat.

11 People think that ISIS is here. There is no evidence
12 of any ISIS person so far being arrested into the United
13 States.

14 It is a threat to Europe because they can drive from
15 Syria through Turkey through the Balkans to France and
16 Belgium. But they can't swim across the Atlantic, so it's not
17 very much of a threat here. The threat here is very much as
18 you have here, people who volunteer to do things on behalf of
19 ISIS, for instance.

20 The second book is much larger. The second book is
21 about 800 pages and it's really looking at political violence,
22 what people call "terrorism," from the French Revolution to
23 the first Wall Street bombing in September, 1920, looking at
24 four continents, basically looking at 34 campaigns of violence
25 and each campaigns are several groups really over the past 225

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1 years, over four continents.

2 Q Okay. In looking at all the work that you do in the area
3 that you practice in, prior to this shooting incident that
4 occurred in Garland, Texas, on May 3rd, had you ever heard of
5 the Muhammad Drawing Contest that was taking place there?

6 A No. No. I mean, there were some Muhammad cartoons, you
7 know, of course, in 2006, and then people repeating them in
8 Europe. But no, I had not heard of that contest until May 3rd
9 when I heard the shooting.

10 MR. MAYNARD: Okay. Can the witness be shown Exhibit
11 351? Your Honor, can I get 351 so we can put it on the
12 overhead?

13 THE COURT: Yes.

14 BY MR. MAYNARD:

15 Q All right. Dr. Sageman, have you seen this list of
16 writers or scholars or individuals before?

17 A I have seen the list, yes.

18 Q Okay. Are you familiar with most of the people that are
19 on this list?

20 A Yes.

21 Q Let me direct your attention first, let's talk about
22 Shaykh Azzam which is No. 3 on this list.

23 Mr. Kohlmann told us here that Azzam was the
24 godfather of jihad. Do you agree with that?

25 A That's ridiculous.

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1 Q Why is that?

2 A Abdullah Azzam was a cleric. He's kind of the Thomas
3 Paine of Afghanistan, let's say. He is Jordanian but, you
4 know, I think, born in the 40s. Was an actually Islamic
5 scholar. He studied both in Jordan and Al-Azhar University in
6 Egypt, was close to the Muslim Brotherhood, went to Saudi
7 Arabia.

8 And when the Soviets invaded Afghanistan between
9 Christmas and New Years, 1979, he left jihadist way, was
10 teaching, and went to Islamabad and Peshawar to see what he
11 could do to help the Freedom Fighters fight against the Soviet
12 Union.

13 And he wrote, first of all, an essay in defense of
14 Muslim land where he's really arguing that it's the individual
15 duty of Muslims to come to the help of their co-religionists
16 in a country, in a Muslim country that was invaded by
17 infidels.

18 Now, this was actually a very innovative argument,
19 because when you declare war, only countries really declare
20 war raise ishada and it doesn't make sense, me as an
21 individual, to declare war on Iraq. I mean, people we would
22 laugh at the idea.

23 But he's actually so declaring war, going to war,
24 jihad, is a collective duty in mainstream Islam, in mainstream
25 Muslim jurisprudence. He was arguing that actually it could

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1 be viewed as an individual duty because of your individual
2 responsibility to go out there and volunteer to help the
3 Afghan Freedom Fighters that were called to mujahideen by us
4 and try to throw the Soviets out of Afghanistan.

5 We were on the same side of Sheikh Abdullah Azzam
6 and, actually, I met him.

7 Q Tell the jury, when did you meet Azzam?

8 A I met Azzam late 1988, early 1989. You know, I basically
9 greeted him. It was a very short conversation. It was at a
10 conference with the seven political leaders who were the head
11 of the Afghan Freedom Fighters fighting against the Soviets
12 were meeting to decide what would happen after the withdrawal
13 of the Soviet which happened on February 15, 1989.

14 So there was this huge conference. A lot of
15 diplomats were there. A lot of, you know, Pakistani
16 government official, a lot of the Freedom Fighters and their
17 representative were at that meeting. And it was in Islam, but
18 it wasn't Peshawar.

19 I must say that, you know, Abdullah Azzam was
20 traveling all around the world trying and convince young
21 Muslim to come and help the Freedom Fighters in Afghanistan.
22 He came to the United States half a dozen time and opened up a
23 recruiting center, Al Kifah on Fourth Street in Tucson,
24 Arizona.

25 There is a mosque over there and within that mosque

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1 they had that center. And it was -- it was, I guess,
2 functional between 1985 and at least 1993. So this was not
3 any secret. He was not against us. We were on the same side.
4 As a matter of fact, I think we founded and armed the Afghan
5 Freedom Fighters.

6 Q So did the United States embrace Azzam?

7 A We are on the same side. I mean, yes. He came here.
8 There was no problem. So Azzam was against terrorists. Azzam
9 was for the Freedom Fighters, very much like we were
10 overthrowing the British forces that were occupying the United
11 States at the time where we declared our independence.

12 And his argument was very much Thomas Paine's
13 argument, if you think about it, during the independence war
14 in 1776. Common sense would look at this very similar.

15 And then Azzam wrote several book, joined the
16 caravan, the caravan would be the caravan of fighters fighting
17 the lofty mountain where he described the fighting. I mean
18 all of those were classics.

19 And as I said, he was against people fighting against
20 the wrong government such as, you know, going after the
21 government of Egypt.

22 And so as a result of his rejection of terrorism, he
23 was killed by a car bomb on November 24, 1989, in Peshawar.
24 He was going to the mosque with his two son. There was a car
25 bomb next to his car. It exploded and he was killed.

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1 Q Who is it that is believed to have killed Azzam?

2 A You know, it's about 50/50. It's either the Egyptian
3 Islamic jihad or al-Qa'ida. It's in between those two.

4 At that time he was really very much pro Mashud. And
5 so it could also be another political leader of the Freedom
6 Fighters who was against Amisha Mashud.

7 I'm sorry. Do you have trouble with the names?

8 You're fine? Okay.

9 And so it could be Gulbuddin Hekmatyar.

10 THE COURT: You might want to spell that.

11 THE WITNESS: Okay. Gulbuddin Hekmatyar.

12 G-U-L-B-U-D-D-I-E-N. Hekmatyar is H-E-K-M-A-T-Y-A-R.

13 So it was either Gulbuddin Hekmatyar, the Egyptian
14 Islamic jihad of the group around Dr. Zawahiri who is now the
15 head of al-Qa'ida which -- or al-Qa'ida itself.

16 Azzam was never al-Qa'ida. Al-Qa'ida was formed
17 against Azzam.

18 BY MR. MAYNARD:

19 Q So you would never refer to Azzam as the godfather of
20 jihad?

21 A No. I would refer him as a godfather of the foreign
22 fighters going to Afghanistan fighting the Soviet Union, but
23 not of jihad. He was very much against what evolved after the
24 Afghan War.

25 Q Another individual who is listed on this that the jury has

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1 heard a lot about is Iman Anwar al-Awlaki.

2 Can you tell us about Anwar al-Awlaki?

3 A Anwar al-Awlaki is a son of the former Minister of
4 Agriculture in Yemen. And when his father was in the United
5 States for his graduate studies, Anwar was born here in the
6 United States. So he's really technically a U.S. citizen.

7 He grew up here his early childhood. And when his
8 father went back to Yemen to become Minister of Agriculture,
9 he went back. So I guess his teenage years were in Yemen.
10 So, you know, he speaks both English and Arabic.

11 He came back here for his undergraduate education at
12 university here. I think it was in engineering. I'm not
13 really quite sure. But he decided to become an Imam and he
14 was preaching at various -- at three different location. I
15 think Denver, Colorado, was one, southern California was the
16 other, and then Falls Church, Northern Virginia was the third.

17 During the time that he was here and then in 2002 he
18 went on to England for a year. He recorded a series of
19 lectures on the history of Islam, really the lives of the
20 Prophet and then the life of the four righteous khalifs as
21 they called the first four khalifs after the death of the
22 Prophet.

23 And those became extremely popular because most of
24 the literature on Islam and most of the lecture on Islam is in
25 Arabic. And so he's one of the first and one of the few

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1 preachers who actually spoke. And he is very engaging. You
2 know, I studied Islam in the early 80s in preparation for my
3 assignment to the Middle East, so I -- you know, studied Islam
4 from academic books.

5 But when I went back to Islam after 9/11, I saw that
6 his lectures were available. And I cannot -- my refresher
7 course was really al-Awlaki. Those historical lectures, as I
8 said, about the life of the Prophet and the four khalifas
9 really uncontroversial.

10 It's a conservative interpretation of Islam. So his
11 popularity in the Muslim world is -- you know, it depends who
12 you talk to. I talk to a lot of Muslim because that's kind of
13 my work. And so as most -- you know, Muslims with -- or Jews
14 or Christian, you know, half of them really don't go to church
15 or half of them don't care about religion.

16 Al-Awlaki is, of course, not popular in that element,
17 those guys who don't really pray or are not religious. And of
18 the religious Muslims, Islam is kind of divided into a
19 spiritualist wing, the Sufis, where they think that you have
20 saints between, you know, God and yourself, and so they kind
21 of very much worship saints as well as God.

22 And then you have the very conservative, you know,
23 where there's just God and yourself. Even the Prophet is
24 not -- you know, a saint or, you know, they don't worship the
25 tomb of the Prophet. The salafis are very, very strict.

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1 He is a conservative. And among conservative, he is
2 extremely popular, even to this day in terms of the religious
3 lectures.

4 So he goes back to Yemen around 2004, I believe. And
5 in 2006 he's put in prison. No real charges. And he's in
6 prison in Yemen for about a year-and-a-half and he's released
7 in December of 2007. After his release from prison, he
8 becomes much more political. His lectures reflect this
9 political aspect.

10 So when you talk about al-Awlaki, you have to say
11 "al-Awlaki when"? Because otherwise, you know, just by saying
12 the name of al-Awlaki, you can't really tell whether he's, you
13 know, a jihadist, which he became later on in life, or whether
14 it's the earlier al-Awlaki where you have, you know, a
15 conservative interpretation of the life of the Prophet and not
16 just about the Qur'an but about the hadiths which were the
17 behavior and the saying of the Prophet as people remember that
18 were written down in collected works about the Prophets.

19 And then so some of the lectures that we heard
20 throughout this trial, the historical lectures of al-Awlaki,
21 are pretty noncontroversial, you know, just as the lady civil
22 right advocate who was here was telling you. She gives that
23 as gift and they do, they popular.

24 But as I said, after he -- around 2008, 2009 he
25 became a little bit more political. The lectures were a

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1 little bit more political and some of the lectures were still
2 nonviolent.

3 And so I think the two lectures that you heard, I
4 think at this trial, one was Brutality Against Muslims and
5 that is about Palestinian being brutalized in Gaza. And even
6 there he does not advocate violence. He advocates, and you
7 know, not only the lecture but the transcript is available on
8 the website that you heard of that people download the
9 lectures.

10 And here he says you have to do jihad by word. So
11 you have to protest what's happening. And jihad by wealth,
12 meaning you have to give to legitimate organizations such as
13 Red Cross and then so in order to help the refugees.

14 You heard another lecture Hearts and Minds --

15 Q Talk for a second about the different types of jihad there
16 are. We have heard "jihad" mentioned over and over again.

17 A Yea. Jihad got a bad name. Jihad just in Arabic means
18 "effort." That's all. An effort.

19 And people ask the Prophet: What is the greatest
20 jihad?

21 And the Prophet said: The greatest jihad --

22 By the way, I'm not Muslim. I'm Jewish. So, you
23 know, take my interpretation of Islam with a grain of salt
24 here.

25 So the Prophet said: The greatest jihad is a

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1 constant struggle within yourself to be a good man, a good
2 Muslim. That is, you know, every day struggle. It's never
3 ending.

4 There are other efforts, but what people are mostly
5 concerned about in violence is, of course, the violent jihad.
6 And even there there are several types of jihad. And the one
7 that's really accepted in mainstream Islamic jurisprudence,
8 mainstream Islamic jurisprudence, is the defensive jihad.

9 When your country is invaded by foreign invaders who
10 are not Muslim, then it is the collective duty of the country
11 to defend yourself and the rest of the Muslim Community should
12 come and repel those invaders. Exactly what happened in
13 Afghanistan in the 1980s. And this is very much accepted.

14 And, of course, the mufti -- so a mufti is the head
15 cleric in the country or an organization.

16 So Shaykh bin Baz who was the Mufti of Saudi Arabia
17 declared Afghanistan a jihad in the early 1980s. And so this
18 kind of allowed Muslims to kind of come to the help of the
19 Afghan Freedom Fighters to repel the Soviet forces.

20 There is an extremist interpretation of jihad which
21 is what we have here at this trial which is -- this is
22 offensive jihad. This is terrorism. And Muslims reject that.
23 This is very small sect almost, very extremist. You know,
24 there's 1.5 billion Muslims, so you're talking about a few
25 thousand, tens of thousands, if you actually look at armies

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1 who believe that you can carry out terrorism on behalf of
2 Islam.

3 But as I said, that's a very, very small minority and
4 this is the offensive jihad, what I call global neo-jihadi,
5 you know, terrorism now. I used to call it global salafi
6 jihad in my previous book, but now, you know, my thinking has
7 evolved.

8 Q You mentioned jihad of wealth. What did you mean by that?

9 A This is to give money, basically. Jihad of wealth. Jihad
10 of word is your protest.

11 Q So when you were referring to the lecture on Brutality
12 Against Muslims, what did that deal with?

13 A He says "jihad of wealth." If you look at -- al-Awlaki
14 always finishes his lectures by giving five points: Point
15 number one, we should do this. Point number two, we should do
16 that.

17 And I think if you look at point two or three, I
18 don't think point number one in that lecture he says we have
19 to do a jihad of wealth, you know, meaning we have to support
20 the Palestinian refugees who are brutalized in Gaza.

21 Q We have also heard some discussion here about a lecture on
22 Changing Hearts and Minds.

23 Are you familiar with that lecture by al-Awlaki?

24 A Yes, I do. And actually, I heard it this weekend to
25 remind me. And here, again, this was in contrast to a study

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1 by the Rand Corporation that was authored by a woman named
2 Cheryl Bernard who is Jewish, like me, who wrote about what
3 kind of propaganda we should have in the United States in
4 order to counter this, quote, extremist messaging from those
5 extremist jihadists.

6 And so she says, well, you know, you have to say that
7 Islam is moderate. You have to --

8 And so al-Awlaki really takes exception and say who
9 are you to -- a Jew -- to tell us Muslim what to believe in?

10 And so here, again, I think that's point number three
11 of the lecture. What should we do about? And I think point
12 number three, he advocates jihad of word, meaning protest and
13 jihad of wealth, you know, you have to support the people who
14 are being persecuted in the world, Muslims that are being
15 persecuted in the world.

16 There is nothing about jihad of the sword, which is
17 their version of the violent jihad. So jihad of sword. And
18 if you look at that lecture, there's nothing there.

19 Of course, you heard about two other lectures since
20 we are all here. One is Constants on the Path of Jihad. And
21 that's a definitely violent jihadi, you know, advocating
22 killing Westerners. And this is al-Awlaki commentary on the
23 book of the same title by a Saudi who is not a cleric but he
24 was kind of -- he died in 2004. His name was Yussuf Ayiri.
25 And that's spelled A-Y-I-R-I. Yussuf is with a "Y," So

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1 Y-U-S-S-U-F. And that's definitely a violent jihad.

2 And then you heard also another one. The Dust Will
3 Never Settle. And this is probably more relevant to this
4 trial, because here he was commenting not on this cartoon
5 contest, because, of course, al-Awlaki was killed in the
6 summer of 2011, so he couldn't have known about that.

7 But he was protesting about the cartoon of the Danish
8 newspaper that published a cartoon in 2006 and then was kind
9 of repeated -- you know, republished in many other newspapers
10 to promote freedom of speech. And he said that is -- you
11 know, that is an insult to Islam, so he's advocating killing
12 the people who drew the cartoons in that one. So this is very
13 much terrorist.

14 So when you say al-Awlaki, some of it is beyond the
15 pale. It's definitely terrorism. Some of it is political.
16 But, you know, a little bit extreme, but still not advocating
17 violence.

18 And the historical lectures which are halala, some
19 would say, in Islam which is "legal." "Legitimate." And many
20 people would agree with it. It's fairly noncontroversial.

21 So after al-Awlaki, you know, had those lectures, he
22 became involved in terrorism himself and became designated by
23 the U.S. State Department as a terrorist. And, I believe, it
24 was in July 2010 and he was killed by a drone a year later in
25 Yemen.

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1 Q We've also heard about a writing called -- I believe it's
2 the British Government in Jihad. Are you familiar with that?

3 A Yes, I am.

4 Q Is that a terrorist writing?

5 A This book was written by Mirza Ghulam Ahmad. And he
6 became a sect of believers called the Ahmadiyya. This is a
7 nonviolent sect. It was "turn the other cheek."

8 Whoever was advocating violent jihad in the
9 North-West Frontier Province at the time because he is
10 Pakistani -- well, this was India. Pakistan was not created
11 until 1948. So he wrote this book at the end of the 19th
12 Century and he is advocating peaceful resolution. So you can
13 protest against --

14 Well, I can give you a little bit background. At
15 that time it was a very contested area. There were no
16 frontiers. Every 20 years you had some kind of itinerant
17 mullah in urdu or pashto, which is a language of Afghanistan,
18 they call mulai.

19 So there were mulais preaching jihad on the border
20 between India and Afghanistan. And he in that book says,
21 look, you can't do that. You have to really discredit those
22 people who really are kind of self-promoters on the frontier
23 and preach jihad. He said that's not the way. We have to
24 resolve things peacefully. This is not Islam. Islam is a
25 peaceful religion.

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1 I must say that because his followers think he's kind
2 of a Prophet. Mainstream Muslims in Pakistan are slaughtering
3 the Ahmadiyya sect. They being killed right now in Pakistan.
4 And, you know, in many -- many Muslims don't consider them
5 Muslim anymore because they just, you know, this peaceful sect
6 that -- who think that Ahmad was the Prophet.

7 Q Now, we also heard from Mr. Kohlmann about terrorist
8 cells. His opinion was that there were certain divisions of
9 labor that people would be responsible to perform.

10 Have you studied terrorist cells here in the United
11 States?

12 A Yes. I mean, basically that big book that's coming out
13 this year is based on a four-year study that I did for the
14 U.S. Air Force. It's still classified, but I mean --

15 MR. KOEHLER: Your Honor, I'm going to object to the
16 witness testifying about any form of classified information in
17 this setting.

18 THE COURT: Well, I don't think he's going to testify
19 about classified information. I think he's going to testify
20 about a book --

21 THE WITNESS: That's correct.

22 THE COURT: -- that he wrote that is going to be
23 published and is not classified; is that right?

24 THE WITNESS: That's correct.

25 MR. KOEHLER: It's not appropriate to sell expertise

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1 in an open setting based on classified information that no one
2 else has access to and no one has the ability to ask what it
3 is or question the foundation for it.

4 THE COURT: Your objection is overruled. You may
5 continue.

6 THE WITNESS: The information that I --

7 THE COURT: Wait. No. I want a question to refocus
8 where we're going.

9 BY MR. MAYNARD:

10 Q Yes. Are you familiar with terrorist cells in the United
11 States and whether or not there is a division of labor between
12 those members of the cells?

13 A One, definitely; the others, no. I mean, I'm talking
14 about dozens of cells, quote/unquote.

15 Q How many terrorist cells have you actually studied in the
16 United States?

17 A Oh, in the United States? Of the Islamist -- this last
18 what's called jihadi extremists?

19 Q Yes.

20 A About a dozen here. But, I mean, I go back to 1886 in
21 Chicago, you know, the anarchists. That's in my book. So
22 terrorism has been around for a long time. This form of
23 terrorism is actually very recent, you know, of the last 225
24 years which is the span of my study.

25 You really don't see it until really the

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1 assassination of Saadat, 1981. So this is, you know, the last
2 40 years.

3 Q Is there a division, say, within terrorist cells of four
4 and five individuals?

5 A I'm sorry?

6 Q Are there divisions of labor in smaller terrorist cells?

7 A Well, in terms of division of labor, really, this depends
8 on the size of the group. If you have a solo, you know,
9 attack like Major Hasan, Nidal Malik Hassan, is a
10 one-guy-show. Of course, there is no division of labor.

11 And on the other side you have very, very complicated
12 plots involving dozens of individuals like the 9/11 attack
13 against the United States where you have a very clear division
14 of labor.

15 So most of it is in between.

16 But when you have very small numbers like two or
17 three individuals, usually what you have is that you have one
18 guy who is the informal leader. And this informal leader is
19 the guy who initiated the plot and drives it. And that guy
20 also is very much in communication with other people like him
21 in these community of extremists.

22 You know, and, you know, looking at the evidence in
23 this case, it's -- it seems to be Simpson who is really kind
24 of texting and tweeting to other extremists.

25 So this usually is the leader and the other guys are

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1 very much do everything. But they usually do everything.
2 They don't -- you know, they buy weapons together. They train
3 together.

4 As a matter of fact, coming close to the execution of
5 the attack, they all hang out together all the time. Why is
6 that? Because, you know, they feel uncomfortable with their
7 former friends. You know, they have a secret. The other guys
8 are not in on it. So, you know, you want to relax a little
9 bit before the day of the execution, you know, of the plot.

10 And so you feel really uncomfortable. That's why
11 they all seem to hang out together towards the last two or
12 three weeks. And this happens very much in Britain and to
13 United States. And when we have surveillance on the people,
14 the surveillance shows very clearly --

15 MR. KOEHLER: I'm going to object. We've moved
16 beyond the question of division of labor.

17 THE COURT: Sustained.

18 BY MR. MAYNARD:

19 Q Is there a particular phrase that suicide bombers use to
20 refer to their executing the suicide bombing attack?

21 A Yes. There is.

22 Q What is that phrase?

23 A "Wedding."

24 Q Why is the phrase "wedding" used?

25 A Because you're going to die and you're going to wed the 72

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1 virgins waiting for you in heaven. So it's a cause for
2 celebration. You know, people are very joyful. They have a
3 party. It's a wedding.

4 And that's very much how they refer to it in code
5 words. They usually use the word "wedding" instead of an
6 "attack" or an "operation" or a "bomb." It's "wedding."

7 Q When there are cells of terrorists that are going to
8 commit a terrorist act, is it sad to those who stay behind
9 that some of them have died?

10 A They celebrate. As I say, you know, I'm a psychiatrist,
11 so I have kind of scratched under the surface and so on. I
12 think that they have to be --

13 MR. KOEHLER: Objection, Your Honor. This goes
14 beyond the notice of disclosure of expert testimony. There is
15 nothing in the notice about psychological testimony.

16 THE COURT: The objection is overruled as to this
17 question. It's generalities. It's not about anyone in
18 particular.

19 Go ahead and complete your answer.

20 THE WITNESS: So, basically, I think that, you know,
21 they probably are a little bit more realistic, but overtly
22 they celebrate. You know, they do have a party. You know,
23 the Palestinians, for instance, who blow themselves up in
24 Israel, you know, they have what's called a wedding ceremony
25 and so they have a celebration. And that's why it looks to

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1 us -- I mean, we're horrified by it because we see that they
2 celebrate for killing people. I mean, how obscene can you
3 get?

4 MR. MAYNARD: Just a moment, Your Honor.

5 I have no further questions.

6 THE COURT: Mr. Koehler?

7 MR. MAYNARD: Can I approach.

8 THE COURT: Yes.

9 **CROSS EXAMINATION**

10 BY MR. KOEHLER:

11 Q Good morning, Dr. Sageman.

12 A Good morning.

13 Q You started off fairly early on in your testimony talking
14 about Evan Kohlmann; is that right?

15 A Yes.

16 Q And you were critical of his work?

17 A Yes.

18 Q And specifically, it was about an article on the Afghan
19 Bosnia Network that you were critical of?

20 A It was his book which is about the Afghan Bosnian Network,
21 yes.

22 Q Okay. I'm pointing to your book, *Leaderless Jihad*, page
23 188, correct?

24 A Yes. It seems so, yes.

25 Q Right here -- I'll zoom in a little for you.

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1 A Yes.

2 Q Would you read that citation for me?

3 A Yes. I mean you have to cite the book you're criticizing,
4 so it's Evan Kohlmann, *Al-Qa'ida's Jihad in Europe*. That's
5 the one I rejected, yes.

6 Q But you cited Dr. Kohlmann in your work -- or Mr.
7 Kohlmann. I'm sorry.

8 A You have to cite people that you criticize. You can't say
9 I'm criticize somebody that I'm not citing.

10 Q And where exactly was it that you were critical of him in
11 your book?

12 A The book was just, you know, some people talked about
13 Bosnia, but I was never a fan of Evan.

14 Now, Evan knows a lot of good things, but his stuff
15 on Bosnia is terrible.

16 Q His stuff on Bosnia is terrible?

17 A Yes.

18 Q But we're here talking about ISIS, not Bosnia, correct?

19 A The book is about Bosnia, not ISIS. You were in 2004 --

20 Q I'm sorry. You're not answering my question, sir.

21 In this trial we're talking about ISIS; is that
22 right?

23 A That's right, yes.

24 Q Okay. And specifically, Mr. Kohlmann testified about
25 ISIS's online recruiting efforts, correct?

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1 MR. MAYNARD: Objection, Your Honor. I'm not sure
2 that the witness has -- he hasn't seen Mr. Kohlmann's
3 testimony.

4 THE COURT: He can answer for himself, Mr. Maynard.

5 MR. MAYNARD: Well --

6 THE COURT: If you know.

7 The question was:

8 Specifically, Mr. Kohlmann testified about ISIS's
9 online recruiting efforts, correct?

10 THE WITNESS: I have no idea. I didn't see the
11 transcript. I'm still waiting for it.

12 BY MR. KOEHLER:

13 Q You read his report in preparation for today though,
14 didn't you?

15 A Yes. I did read his report.

16 Q And his report contained information in it about ISIS's
17 online recruiting efforts.

18 A It has several scholars and -- but he doesn't really talk
19 about recruitment. I don't think that Evan is an expert on
20 recruitment.

21 He is an expert on propaganda, so he can talk about
22 the propaganda that people put out, but he never interviews
23 the recipient. So to see if people were swayed by the message
24 or not, I have no idea if he --

25 Q Okay. You're going well beyond the question that I asked

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1 you, sir.

2 A Well, no. You asked me whether --

3 MR. KOEHLER: Objection. Move to strike.

4 THE COURT: The motion to strike is denied.

5 BY MR. KOEHLER:

6 Q Okay. I asked you a simple question. Now I will move on.

7 Have you done any research into Twitter used by ISIS
8 for propaganda and recruitment?

9 A I have looked at some, really in connection to various
10 trials that I'm involved in where that was an issue.

11 Q And have you published any works on that subject?

12 A No. I have testified to some, I think.

13 Q Now, back in 2009 you were collaborating with Mr. Kohlmann
14 on a book; is that right?

15 A No. We collaborate on a lecture that we gave at the UN.
16 I was NYPD scholar in residence. He lived three blocks away.
17 We met for drinks.

18 As I said, he knows a lot about the propaganda and so
19 we decided to give a lecture together and --

20 Q I put on the document camera for your review a document
21 here. Do you recognize that?

22 A No, I don't. Where is it from?

23 Q Does this have your name at the top: Marc Sageman and
24 Evan Kohlmann?

25 A You know, a lot of people can use my name. I have not

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1 written -- I don't recall.

2 Q Let's put this on there for you.

3 A Yes. As I said, we met over drinks, decided to actually,
4 you know, have a lecture together at the time. I mean, we're
5 kind of friends.

6 And then after the lecture I realized that all the
7 arguments were mine and I didn't really want to work with him
8 anymore.

9 Q Dr. Sageman, you testified in the *Mehanna* case in New
10 York; is that right?

11 A No. It's in Boston.

12 Q It's in Boston?

13 A That's correct.

14 Q You testified in that case and you were asked questions
15 about this precise document, weren't you?

16 THE COURT: You just said "this precise document" and
17 the document before him is an e-mail.

18 BY MR. KOEHLER:

19 Q Correct. This e-mail and the document that was attached
20 to the e-mail; is that right?

21 A I'm not sure that I -- if -- that I read the other one, so
22 I guess Evan must have written the other stuff. But I do
23 remember exchanging e-mails with Evan Kohlmann a number of
24 years ago.

25 Q And you and Mr. Kohlmann discussed the notion of

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1 collaborating on a book that was going to be titled *Hacking
2 Al-Qa'ida: The Intersection of Social Network and Technology
3 in Terrorism*; isn't that right?

4 A That's not correct. As I said, he probably wrote that
5 with my name on it, but we only collaborated for a lecture.
6 And I decided, because I don't think he has much integrity,
7 that I did not want to collaborate with him anymore. This was
8 the end of it.

9 Q You sent him an e-mail after you reviewed this first part
10 of this draft and in the e-mail you said to him:

11 I suspect that as we write, this will change. It's a
12 good start and we should meet again for drinks and discussion.

13 Correct?

14 A As I said, we met for drinks. We cannot decide. That
15 probably is a piece that he wrote. I don't know if he
16 attached it or not, but I don't remember writing that.

17 I remember writing the e-mail. I don't remember, you
18 know, writing the attachment. I think you're jumping to
19 conclusions.

20 Q All right. I would like to place Exhibit No. 607 on the
21 document camera for the witness.

22 Do you recognize this e-mail exchange with Mr.
23 Kohlmann?

24 A No, but let me read it. I mean, seven years ago, I'm
25 sorry. Yes. Seven years ago. Yeah. There's nothing about

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1 collaboration in the book. He just discovered, you know, a
2 backdoor into a wealth of material and I said:

3 That's great. Congratulations. Sounds good. We'll
4 discuss it tomorrow. You know, we should meet over drinks.

5 That's what we --

6 Q That's a true and accurate copy of your e-mail exchange
7 with Mr. Kohlmann, is it not, on that date?

8 A I don't recall. I mean, it looks -- it looks like my
9 e-mail address. It looks like his e-mail address. It
10 probably is, but I have no recollection of it seven years ago.

11 MR. KOEHLER: Move to admit 607.

12 MR. MAYNARD: No objection.

13 THE COURT: 607 is admitted.

14 (Exhibit No. 607 admitted in evidence.)

15 THE COURT: Do you have any more questions about this
16 exhibit?

17 MR. KOEHLER: Just a couple.

18 BY MR. KOEHLER:

19 Q So in this e-mail exchange, Mr. Kohlmann was telling you
20 about something that he discovered in that the propaganda
21 groups in their discussion forums were becoming aware of the
22 need for more English-language material, correct?

23 A That's what it says.

24 Q Is that a good summary of what he said to you?

25 A Ah, yeah.

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1 Q And then you congratulated him on finding a way to get
2 into that forum and invited him to discuss the best way to
3 exploit that; is that right?

4 A Yes, because, again, we were going to have that lecture
5 that we were going to have before the UN. And I think the
6 lecture was two months later, so that was really material for
7 the lecture.

8 MR. KOEHLER: All right. And that's it for that
9 exhibit.

10 I assume you're asking me that because you want to
11 call the lunch break?

12 THE COURT: Yes.

13 Ladies and gentlemen, we'll take our lunch break.
14 We'll reconvene at 1:15.

15 You are reminded of the admonition not to discuss the
16 case or form any conclusions about it until you have heard all
17 the evidence and begun your deliberations.

18 Court is in recess until 1:15.

19 (Recess taken at 11:54 a.m.; resumed at 1:18 p.m.)

20 THE COURT: Thank you, ladies and gentlemen. Please
21 sit down. The record will show the presence of the jury,
22 counsel, and the defendant.

23 Mr. Koehler, you may continue your cross-examination.

24 MR. KOEHLER: Thank you, Your Honor.

25 ////

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1 CROSS EXAMINATION (cont'd)

2 BY MR. KOEHLER:

3 Q When we left off you were discussing your e-mail
4 communications with Evan Kohlmann; is that correct?

5 A Probably, yes.

6 Q So I want to direct your attention now to Exhibit No. 608.

7 Do you recall engaging in an e-mail conversation with
8 Mr. Kohlmann and an individual by the name of Naureen?

9 THE COURT: We can't see the whole page here.

10 Perhaps the witness could be given a copy of the exhibit. I
11 have just been handed a copy and it's three pages long.

12 THE WITNESS: Oh. Thank you.

13 THE COURT: And it's also six years old or seven
14 years old, so he might need a moment to look at it.15 MR. KOEHLER: Yes. If you could please read through
16 that, please.

17 THE WITNESS: I'm sorry. Does it go reverse order?

18 MR. KOEHLER: Yes. It's in reverse chronological
19 order, so you may want to start at the bottom and work your
20 way back.

21 THE WITNESS: All right. Sorry.

22 Yes, I have finished.

23 BY MR. KOEHLER:

24 Q That's an e-mail conversation that you had with a woman
25 named Naureen Chowdhruy which is spelled --

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1 I want to get this right for the record.

2 A Yeah, I remember Naureen.

3 Q Yes. I'm spelling it for the court reporter.

4 N-A-U-R-E-E-N. Chowdhury, C-H-O-W-D-H-U-R-Y. And
5 then Fink. And she was a Senior Program Officer with the
6 International Peace Institute, correct?

7 A Yes. It's a subdivision of the UN.

8 Q And this is the UN presentation that you were talking
9 about that you were going to do with Mr. Kohlmann, correct?

10 A That's correct, yes.

11 Q Is this a fair and accurate representation of that e-mail
12 conversation?

13 A Well, I don't remember. The e-mail conversation took
14 place seven years ago, but I mean it looks probably right,
15 yes.

16 MR. KOEHLER: Move to admit 608.

17 MR. MAYNARD: No objection.

18 THE COURT: 608 is admitted.

19 (Exhibit No. 608 admitted in evidence.)

20 BY MR. KOEHLER:

21 Q And in this conversation you told Ms. Chowdhruy Fink:

22 Dear Naureen:

23 I'm not sure we can help you with a provisional title
24 and date of release. *Internet Jihad* might be a catchy title.
25 The truth is that Evan and I outlined what we thought was a

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1 great argument over a few bottles of wine. For me to
2 remember, I would need to get back in that mood again. Not a
3 great sacrifice, especially if Evan would accompany me in this
4 mission. Best, Marc.

5 Is that correct?

6 A It does sound like my sense of humor, yes.

7 Q So in other words, you and Mr. Kohlmann got together and
8 you came up with an idea for your presentation. And the title
9 of that presentation that you had under consideration was
10 *Internet Jihad*, correct?

11 A Yeah. I think that was my idea, yes.

12 Q And this was a topic that you were starting to see emerge
13 and you identified it in your book *Leaderless Jihad* and you
14 also talked about it at least briefly in understanding
15 terrorist networks; is that correct?

16 A Yeah. I think I developed it much more in my second book
17 in that chapter you're referring to.

18 Q Now, I would like to direct your examination to Exhibit
19 609, if I can have the clerk place 609, 610, and 611 before
20 the witness, please.

21 If you could take a minute to study 609 for me,
22 please.

23 A Again, reverse order?

24 Q Yes, please.

25 I believe the first message is at the bottom of the

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1 first page and then an article linked below it.

2 A Do you want me to read the whole article or just the
3 exchange of conversation?

4 Q The exchange of conversation.

5 I have a feeling you're familiar with the article now
6 that you have looked at it, correct?

7 A No, actually. You know, I get about 20 of those a day. I
8 don't really read them unless somebody says this is really
9 good.

10 Q Okay. Then go ahead and read the conversation above.

11 A No. I read the conversation. Do you want me to read the
12 article as well?

13 Q My question is going to be: Is that e-mail exchange a
14 fair and accurate depiction of an e-mail exchange that you and
15 Evan Kohlmann had about a particular article, correct?

16 A You know, it sounds like me. It sounds like him.

17 Do I remember what I wrote seven years ago, no. But
18 it sounds like us.

19 Q And this is the kind of thing you would talk to him about,
20 right?

21 A For those three months we were in contact with each other,
22 yes.

23 MR. KOEHLER: Move to admit 609.

24 MR. MAYNARD: No objection.

25 THE COURT: 609 is admitted.

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1 (Exhibit No. 609 admitted in evidence.)

2 BY MR. KOEHLER:

3 Q Now, in this forwarded e-mail exchange Mr. Kohlmann sends
4 you an article in which someone asserted that the threat of
5 jihadi terrorism over the Internet was over-blown essentially,
6 correct?

7 A That's what it sounds like, yes.

8 Q And in it he said to you:

9 I can't believe they are really arguing that
10 self-recruitment has never happened on Internet forums.
11 That's like arguing the Earth is flat. We have empirical
12 evidence to the contrary. This sounds like a very politically
13 motivated study.

14 And you wrote in response:

15 Yes. I disagree with them as well.

16 Correct?

17 A Yes.

18 Q So you were agreeing with Mr. Kohlmann about this
19 particular issue?

20 A That self-recruitment has never happened on Internet
21 forums?

22 Q Correct.

23 A It has happened sometimes, so that's why I disagree. I
24 don't think that it's all Internet-related but, yes, it has
25 happened before. I disagreed with them and I agreed with

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1 Evan, but not to the extent that Evan is saying that it sounds
2 like it's always -- that that's basically what he's arguing in
3 court.

4 Q But at this point you're talking about the use of jihadi
5 Internet forums to spread global terror, correct?

6 A No. I'm arguing about self-recruitment.

7 Q And is self-recruitment not part of the spread of global
8 terror? Is that what you're saying?

9 A No. I'm just saying that some people self-recruit. And
10 when -- and sometimes the Internet is a factor into
11 self-recruitment.

12 I mean the big dispute about my book *Leaderless Jihad*
13 is that people say that doesn't happen and I had already
14 written my book.

15 Q And you and Mr. Kohlmann are in agreement that that
16 happens, correct?

17 A Oh, yes.

18 Q And now I would like to direct your attention to Exhibit
19 610.

20 A Yes.

21 Q Do you recognize this as a conversation between yourself
22 and Mr. Kohlmann?

23 A As I keep telling you, I don't remember. It's seven years
24 ago, but it does sound like it's how we spoke to each other,
25 so it may be, yes.

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1 MR. KOEHLER: Move to admit 610.

2 MR. MAYNARD: No objection.

3 THE COURT: 610 is admitted.

4 (Exhibit No. 610 admitted in evidence.)

5 BY MR. KOEHLER:

6 Q In this conversation Mr. Kohlmann is talking about the
7 emergence of the Al-Fajr Media Center and pegging its
8 emergence to February 22, 2006, correct?

9 A Yes. That's what he says, yes.

10 Q And he makes reference to tag lines on communications from
11 AQI. What is AQI?

12 A Al-Qa'ida in Iraq.

13 Q And that is the Al-Qa'ida branch that was led by Abu Musab
14 al-Zarqawi as it evolved into that group, correct?

15 A Yes.

16 Q And so they changed from the Al-Hesbah Network to the
17 Al-Fajr Media Center?

18 A Not quite. Not quite.

19 Q Okay. Explain.

20 A There were about seven -- I guess what's called "jihadi
21 forums" at the time. Al-Hesbah was one of the major ones.

22 And when correspondence or when they cannot put
23 something on the website, they sometimes say it comes from
24 either Al-Hesbah or it comes from something else.

25 Here this was the first time he noticed that it was

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1 posted with Al-Fajr Media Center, so he thought that perhaps
2 this being the first instance he's seen it, he spends all his
3 time on the Internet, Evan. So that was the first time he saw
4 it and I assume that maybe when it was the birth of the
5 Al-Fajr.

6 So now you have an eighth forum while the government
7 was closing down three other -- three or four. It's a much
8 more complicated situation than what you just described and
9 I'm trying to give you that.

10 Q But he was monitoring these different things and there was
11 somebody who took note from this Al-Hesbah that Al-Fajr had
12 suddenly taken the lead in distribution of things from AQI,
13 Al-Qa'ida in Iraq, correct?

14 A I don't know they took the lead, but it was the first time
15 he saw it.

16 Q And you noted your agreement, correct? You said that
17 makes sense?

18 A Well, I trust him on that one because he spends all his
19 time on the Internet. I interview people and try to figure
20 out what's going on. He spends all his time on the Internet.

21 Q This is another e-mail, Exhibit 611.

22 A Yes.

23 Q This is from June 17, 2009, correct?

24 A That's what it says, yes.

25 Q And in that e-mail you invite Evan to dinner?

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1 A Yes.

2 Q Is that a true and accurate copy of that e-mail?

3 A I have no idea, but I remember having dinner with him that
4 day.

5 MR. KOEHLER: Move to admit 611.

6 MR. MAYNARD: No objection.

7 THE COURT: 611 is admitted.

8 (Exhibit No. 611 admitted in evidence.)

9 THE WITNESS: Actually, I had lunch with him. I
10 didn't have dinner.

11 BY MR. KOEHLER:

12 Q Now, I move on to Exhibit 615. Can I ask that Exhibit 615
13 be placed before the witness?

14 Do you recognize Exhibit 615?

15 A No.

16 Q This is one of your own articles, isn't it?

17 A I think that I may have written something for Senate
18 testimony or something like that. Let me read it.

19 I usually publish, you know, in journals. So
20 whenever is -- when I give a testimony, you know, this may be
21 my testimony.

22 No. This actually was not testimony. This was an
23 article that I did submit, you're right, for the Annals Of The
24 American Academy of Political and Social Sciences.

25 Q That's an academic journal of some sort?

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1 A Yes. I'm hesitant because it's kind of both popular and
2 academic, but, yes, it would -- it would fit, you know. Let's
3 say it's an academic journal, yes.

4 Q Would you agree that the name The American Academy of
5 Political and Social Science connotes academia?

6 A Yes. But as I say, it's -- it's not as well peer-reviewed
7 as other academic journals. People kind of ask you to submit
8 articles by invitation often for political reason.

9 And this was for political reason because it was
10 during the presidential campaign in 2008, so it wasn't really
11 peer-reviewed.

12 Q Okay. But you do recognize the article as being yours,
13 correct?

14 A I wrote an article on that subject at the time. I don't
15 know if this is my article, but I think that probably is.

16 MR. KOEHLER: Move to admit 615.

17 MR. MAYNARD: No objection.

18 THE COURT: Well, this is a rather unusual -- I
19 realize there's no objection, but articles are not usually
20 admitted.

21 And so I have a concern of having someone's article,
22 an expert's article admitted when the jury may not be in a
23 position to be able to understand it.

24 MR. KOEHLER: I'm only offering it for one purpose,
25 Your Honor, and I will show that in a second.

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1 THE COURT: Then should the article be admitted?

2 You're allowed to quote from articles that experts
3 have written and then ask them questions about it without
4 actually admitting into evidence the article.

5 So despite the lack of objection, I'm not admitting
6 it at this time.

7 BY MR. KOEHLER:

8 Q Okay. I would like to direct your attention to the last
9 page of the article where you cite your references in that
10 article?

11 A Yes.

12 Q And specifically, your third reference down, out of a
13 total of eight references, one of which is yourself, the third
14 one down is Evan Kohlmann's publication in 2008 *Homegrown*
15 *Terrorists: Theory and Cases in the War on Terrorists' Newest*
16 *Front*, correct?

17 A Yes. I think it was in the same issue.

18 Now, I was very puzzled by this, because I usually
19 don't write with somebody else. And it says Richard Clark.
20 And now I remember that Richard Clark was the Editor of that
21 particular issue of that journal. Richard Clark is not an
22 academic. He used to be at the National Security Council, so
23 he invited people to submit articles for that particular issue
24 that were not peer-reviewed.

25 Q My question to you is very simple.

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1 A Evan Kohlmann was also --

2 I'm giving you a full answer. If you want me to say
3 "yes" or "no" --

4 Q Yes or no. Did you cite Evan Kohlmann in an article that
5 you co-authored?

6 A Sure.

7 Q Thank you.

8 A I didn't co-author. I was the only author of that
9 article. That's why it's not accurate.

10 Richard Clark was the Editor of that issue but I
11 never wrote an article with Richard Clark.

12 Q Okay. So you are the author of the article?

13 A Correct.

14 Q Richard Clark is not the co-author?

15 A That's correct.

16 Q You are the sole author?

17 A That's correct.

18 Q And you cited Evan Kohlmann in your article?

19 A Yes.

20 Q Thank you. Now, you have been testifying in
21 terror-related cases since the *Mehanna* trial in Boston,
22 correct?

23 A Yes. That was my first one.

24 Q How many United States terrorism-related cases involving
25 Islamic terrorism have you testified in?

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1 A About half a dozen.

2 Q How many of those half-dozen have involved Evan Kohlmann
3 appearing as a witness?

4 A I think all but one or two.

5 Q All but one or two?

6 A Yeah.

7 Q And is that inclusive of this one or is this number 7?

8 A This may be number 7.

9 Q Okay. And in each of those cases you have come in to
10 disparage Mr. Kohlmann's work; is that correct?

11 A No. As I said, one or three wasn't, around. And I'm an
12 expert witness. I don't come here to disparage anybody.

13 Q But each time you have come in and you have criticized Mr.
14 Kohlmann's work, correct?

15 A Yes. In the five cases that I remember, yes.

16 Q And you make \$300 an hour to do that?

17 A Yes.

18 Q How much money have you made testifying for defense in
19 these cases?

20 A I don't get paid for my testimony. I get paid for my
21 time. So it really depends on my time.

22 I think for those six cases, maybe -- I don't know --
23 \$150,000. \$30,000 per case. That's about a hundred hours.

24 Q So about \$30,000 per case?

25 A About -- it depends. Some cases were \$9,000 because they

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1 were local. Others I had to travel and to -- I usually
2 interview people, so it depends. I average about 100 hours
3 per case.

4 Q And in any of those cases have you been a witness for the
5 United States Government?

6 A Not in these particular cases.

7 Q If I can switch to the computer please, I'm placing on the
8 screen Exhibit 458 which is in evidence.

9 Dr. Sageman, do you recognize that person.

10 A Yes, I do.

11 Q Who is that?

12 A Hakimullah Mehsud.

13 Q He was killed in November 2013, correct?

14 A That's what the press reported or about that time.

15 Q I'm now going to move to 459 also in evidence.

16 Now we're on 459. Do you recognize that?

17 A This looks like one of those -- it's probably ISIS. I
18 mean, dressed in black, some guy in front of them, I mean, you
19 know, there's so many of those pictures.

20 Q Are you familiar with the video *A Message in Blood to the*
21 *Kurdish Alliance*?

22 A You know, I have came through hundreds of videos that I've
23 looked at for the past 15 years. This look like pretty
24 typical of one of those videos, yes.

25 Q Do you recognize the mosque in the background?

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1 A No, I don't. I have never been there.

2 Q So you don't recognize the Grand Mosque in Mosul?

3 A No. I have been to Baghdad. I have not been to Mosul.

4 Q So you are not aware that this particular video was
5 published in August of 2014, were you?

6 A I'm sorry?

7 Q You're not aware of this particular video published in
8 August 2014?

9 A No. I don't have a frame-by-frame memory of all the
10 hundreds of videos that I have seen. This looks, as I said,
11 like an ISIS with, you know, a prisoner in orange suit in
12 front of it. It's pretty typical. And it looks like the ISIS
13 flag to the side.

14 Do I remember it? No. I'm just now commenting on
15 what I see.

16 Q If I can switch to the document camera, please, I'm on
17 Exhibit 157 which is in evidence.

18 Showing you page 2 of Exhibit 157, who is the
19 individual who is both in the icon picture here and this
20 person here on the background?

21 A Anwar al-Awlaki.

22 Q Were you familiar with ISIS's release of its video *Flames*
23 *of War*?

24 A Not at the time, but for this case, yes. I have looked at
25 it.

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1 Q So at the time that it came out, you weren't monitoring
2 ISIS communications and things like that?

3 A No. I deal with people. I don't really deal with
4 propaganda, only when the propaganda is relevant to the people
5 I'm investigating or looking at or in my research to try to
6 find out why they join.

7 If it's about the video account, then look at the
8 video. But I'm not a propaganda guy. I do not monitor the
9 propaganda from ISIS day to day.

10 Q Do you agree that terrorist organizations like ISIS use
11 propaganda as a recruiting tool?

12 A I think they think that those are effective as a
13 recruiting tool, but I don't know. That's why I interview
14 people who join to say: What are the factors that led you to
15 joining them?

16 And most of the time it wasn't a video. It was
17 something else. But the video sometimes was effective, yes.

18 Q And I'm not just talking about the video. I said
19 propaganda as a general matter.

20 A It's not so much propaganda. People really join those
21 organizations because they see usually on Fox News or CNN
22 Muslims being bombed by barrel bombs and they are absolutely
23 outraged. And so they kind of want to go and defend their own
24 compatriots abroad, you know, just like we did when 9/11
25 happened.

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1 You saw those two towers. You see 3,000 people
2 dying. Well, that energized the country to really fight
3 Al-Qa'ida and go out there and kill them. It's kind of
4 sensitive for them.

5 Q So just to be clear then, what you're saying is that these
6 organizations like ISIS will use videos depicting bombings in
7 the Middle East as propaganda to recruit, correct?

8 A Usually, that's not what they show. I mean, the videos
9 are really -- many of them about those execution, that really
10 turn people off. If they didn't use those videos, I'm pretty
11 sure that they would have far more recruits coming in because
12 that turns people off.

13 Q That wasn't my question.

14 My question was: Do they use videos showing U.S.
15 bombings in the Middle East as a recruiting tool?

16 A Most of the videos that I have seen do not have U.S.
17 bombing, so I don't really know. No. No. Actually, in
18 *Flames of War* I don't think those were U.S. bombings.

19 Q I wasn't asking you about *Flames of War*.

20 A You are asking me in general question. I'm answering in
21 general way.

22 Q This is page 15 of Exhibit 157 in evidence.

23 A Uh-huh.

24 Q This is a tweet from Elton Simpson. Who is he tweeting
25 about here?

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1 A This is Abdullah Azzam.

2 Q This is page 16 of 157. That's Anwar al-Awlaki, correct?

3 A Yes.

4 Q And he's talking about choosing the path of war?

5 A To defend ourselves, just like from oppression, just like
6 I just told you. People feel, you know, they bomb the
7 victims, and therefore, they decide to volunteer to defend
8 their community. You know, I'm not condoning or condemning
9 them. I'm trying to understand why they join.

10 So you only read part of it. You have to read the
11 whole of it, yes.

12 Q But this is the part that Elton Simpson chose to tweet,
13 correct?

14 A You're telling me that.

15 Q Now, in your book *Understanding Terrorist Networks*, part
16 of the time you spent was debunking the notion that people who
17 would join a terrorist network were either mentally ill or
18 financially despondent and so forth, correct?

19 A That was Chapter 3.

20 Q And one of the things that you found to be a common factor
21 among groups that did, in fact, join terrorist networks was a
22 person who served as a link to that network, correct?

23 A Yeah. I said "friendship" or "kinship," those links.

24 Q Right. So there was -- you've got somebody in the group
25 that has joined by friendship or kinship. And then somebody

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1 in that group had a link to the jihad, correct?

2 A At that time, yes.

3 Q Okay. This is Exhibit 480, page 1, in evidence.

4 Do you recognize the individual on the left with the
5 handle Muhajir_Miskil_Miski?

6 A Yeah. I think he's an American who was in Somalia at the
7 time.

8 Q And are you familiar with the concept of dream
9 interpretation?

10 A I'm sorry?

11 Q Are you familiar with the concept of dream interpretation?

12 A The contact?

13 Q The concept?

14 A Oh, the concept. I'm a psychiatrist.

15 THE COURT: I think that's a yes.

16 BY MR. KOEHLER:

17 Q Okay. And are you familiar with it in a --

18 THE COURT: What's happening is you're looking down
19 and you're not being picked up by the microphone, Mr. Koehler.

20 BY MR. KOEHLER:

21 Q Are you familiar with it in the context of jihadi
22 radicalization and recruitment?

23 A No. That does not really kind of ring a bell. Jihadis
24 really -- or those extreme Muslims put a lot of weight on
25 dreams and Saudi interpretation, but I'm not really sure that

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1 it has anything to do with recruitment.

2 Q So you're not familiar with that?

3 A I'm familiar with dream interpretation in Muslim
4 extremists, yes, I am.

5 Q Okay.

6 A But not in recruitment.

7 Q Okay. Well, why don't you tell us about the part of it
8 that you are familiar with.

9 A Well, they take -- they put a lot of weight on their
10 dreams. They think that the dreams often have a meaning and
11 they trying to understand the meaning of those dreams.

12 Q And do those dreams often get interpreted in terms of
13 achieving paradise?

14 A No. They can interpret it whichever way.

15 Q If someone makes reference to the "maidens" or the
16 "virgins" in the dream?

17 A Usually, they mean the hurs.

18 Q And what are the hurs?

19 A Those are, you know, those mythical -- 72 mythical -- well
20 they are the black-eyed beauties of paradise is how they call
21 them.

22 Q And how does one achieve that 72 according to the way they
23 live?

24 A Well, if you are a literalist of the Qur'an, you think
25 that if you are shaheed -- that means if you died a hero for

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1 Islam -- you will be rewarded in heaven with 72 black-eyed
2 virgins.

3 Q In other words, if you're a martyr, you get the virgins,
4 right?

5 A If you're a hero and you die during the course of fighting
6 for Islam. It's been translated as "martyr," but some of them
7 are not martyrs.

8 Q Are you aware of ISIS's release of a list of 100 U.S.
9 military personnel that occurred this year -- or last year?

10 A I have read that in the newspaper.

11 Q So you haven't seen the list?

12 A No. I have not.

13 Q Were you aware that Elton Simpson had downloaded that
14 list?

15 A I didn't pay attention to it, no.

16 Q Were you aware that Elton Simpson and Nadir Soofi had a
17 name of a U.S. service member from that list written down in a
18 notebook in their apartment?

19 A I think I was aware of that.

20 Q Did you know that that same notebook had the name and
21 address of the Curtis Culwell Center and the date of May 3rd,
22 2015?

23 A Is that the notebook that was found there in Garland? I
24 mean, I'm trying to refresh my memory.

25 Q The one from the Simpson/Soofi apartment.

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1 A I thought that they had something in Garland, so I'm a
2 little bit confused perhaps.

3 Q Are you familiar with a publication that's called *Hijra to*
4 *the Islamic State*?

5 A No.

6 Q Are you familiar with the magazine that ISIS produces or
7 ISIL produces called *Dabiq*?

8 A Yes.

9 Q Have you read that magazine?

10 A A few issues, yes.

11 Q Are you aware of Shaykh Adnani's call to Muslims to travel
12 to the Islamic State?

13 A Yes.

14 Q And his alternative call to conduct attacks in their
15 homelands if they are unable to make hijra?

16 A Yes.

17 Q I'm going to show you 495 which is in evidence.

18 So you're aware of this release but you have never
19 seen it before; is that correct?

20 A Yeah. I've never looked at it, that's correct.

21 Q Let's talk for a minute about Anwar al-Awlaki.

22 You talked about his earlier recordings and being
23 less radical, correct?

24 A The earlier historical recording were historical, yes.
25 They were not as radical as the later recording, that's

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1 correct.

2 Q Would you agree that his recordings, whether they're early
3 recordings or later recordings, are very frequently found
4 among the possessions of people who have committed attacks in
5 the West?

6 A Yes. And among millions of others as well.

7 Q In fact, Farouk Abdul Mutallab -- which is F-A-R-O-U-K
8 A-B-D-U-L M-U-T-A-L-L-A-B -- who is that individual?

9 A He's the underwear bomber.

10 Q And he is somebody who followed Anwar al-Awlaki closely?

11 A He even went to visit him.

12 Q And Nidal Hasan?

13 A I'm familiar with Nidal Hasan.

14 Q Who is he?

15 A He's the nature of psychiatrist as well in the Army who
16 did the Ft. Hood shooting, killing 13 people.

17 Q And he was in frequent contact with Anwar al-Awlaki as
18 well, wasn't he?

19 A He only exchanged 18 e-mails; depends what you mean by
20 "frequent."

21 Q And you know that Anwar al-Awlaki claims to have
22 instructed him and radicalized him, correct?

23 A Yes. And that's not correct.

24 Q Let's go on next. The Tsarnaev brothers?

25 A Yes.

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1 Q They also had Anwar al-Awlaki materials?

2 A I wasn't involved in the case but that seems to be what
3 the newspaper reported.

4 Q A person named --

5 THE COURT: Would you remind the jury who the
6 brothers are.

7 THE WITNESS: Oh. Those were the Boston bombing on
8 April 15th, the Boston Marathon bombing in 2013.

9 BY MR. KOEHLER:

10 Q A person named Abdulazeez in Chattanooga, Tennessee?

11 A I'm not familiar with him.

12 Q That's somebody who -- I'll move own.

13 Carlos Bledsoe?

14 A Yes. Mohammad.

15 Q I'm sorry?

16 A Muhammad.

17 Q Yes. He attacked a military recruiting station, correct?

18 A That's correct, in Little Rock, Arkansas.

19 Q In Little Rock, right. And he was another person who
20 followed Anwar al-Awlaki closely?

21 A I think he also went to Yemen, yes. I don't think he met
22 with al-Awlaki but he went to Yemen.

23 Q Are you aware that Nadir Soofi told his son about doing
24 the same thing?

25 A Going to Yemen?

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1 MR. MAYNARD: Objection to the form of the question.

2 THE COURT: Sustained.

3 BY MR. KOEHLER:

4 Q Let's go on. The two attackers in San Bernadino; Syed
5 Farouk and Tashfeen Malik?

6 A What about them?

7 MR. MAYNARD: Objection to the form.

8 BY MR. KOEHLER:

9 Q Have you been retained by the defense in that case?

10 A Yes.

11 Q And those two, likewise, were found to be followers of
12 Anwar al-Awlaki, correct?

13 A In "that case," you mean Marquez. I was not retained in
14 the two people who died.

15 Q Right.

16 A But their friend did, Marquez, so the case is Marquez.

17 And I think they gathering the discovery material. I
18 have got nothing, so I don't really know anything about the
19 case.

20 Q Can you identify a single Islamic terror attack in the
21 West since 9/11 involving English speakers that did not
22 involve them being avid consumers of Anwar al-Awlaki's
23 lectures?

24 A People were about to conduct attacks who were stopped
25 before or people who have conducted attacks?

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1 Q People who have either done it or been stopped immediately
2 beforehand.

3 A Yes, I do.

4 Q And who is that?

5 A Well, you have Kubanov in Idaho. You Hamidullin in
6 Richmond. You have Najibullah in Denver.

7 You have -- I mean --

8 Q And those people are known not to be followers of
9 al-Awlaki?

10 A I have looked at all the discovery material, all the
11 electronic stuff since I have been -- in those cases and they
12 had no al-Awlaki.

13 Q Were you aware in this case that the Lenovo laptop that
14 belonged to the defendant had Internet search history for
15 various lectures of Anwar al-Awlaki on it?

16 A Yes.

17 Q And among those practice lectures were *The Battle of*
18 *Hearts and Minds*?

19 A Yeah. And that's nonviolent.

20 Q You testified about *Brutality Toward the Muslims*?

21 A Again, that's nonviolent. It's political but not violent.

22 Q Were you aware it also had *And Incite The Believers* by
23 Arrashud on it?

24 A Yes.

25 Q Tell us about Arrashud.

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1 A He is kind of almost an unknown Imam who rants and raves
2 in Arabic very fast. His video is in Arabic. And they flash
3 subtitles so fast that you really have to be a very fast
4 reader to understand it. That's why I was surprised to see it
5 on the Lenovo. You saw the defendant. He doesn't read that
6 fast.

7 Q Okay. I'm not asking how fast he reads. Okay?

8 I'm asking you about Arrashud in terms of his
9 philosophy.

10 A Arrashud is just one of those very extremist guy who
11 basically is trying to convince people to go out and kill
12 Westerners.

13 Q Now, you're aware that ISIS sells itself as fulfilling the
14 Qur'anic prophesies of the Apocalypse, right?

15 A I think that's one of the attempted selling points, yes.

16 Q And included in that is the fact that they name their
17 magazine Dabiq?

18 A Yes, because that's a site where that last battle is
19 supposed to take place.

20 Q And they have headquartered themselves in Raqqa?

21 A I'm sorry?

22 Q They've headquartered themselves in Raqqa, Syria?

23 A Yes. I think their headquarter is in Raqqa.

24 Q And that's part of the prophesy as well, right?

25 A Well, it's kind of a Book of Revelation.

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1 It's a vague prophesy. But supposedly, there's going
2 to be some apocalyptic end to it and it's going to be over
3 there in Iraq-Syria because at that time in the Seventh
4 Century it was no Iraq or Syria. It was just desert.

5 Q Would you agree with me that the websites Hoor-al-ayn.com
6 and Kalamullah.com are websites that are designed for an
7 audience with an interest in violent jihad?

8 A No. I think that's a conservative Islam. I mean they
9 have all kinds of videos. Some of them are -- preach
10 violence, but the vast majority do not.

11 Q In *Leaderless Jihad* you talk at one point about the
12 concept of violent attack, even if it fails, serving as
13 propaganda on behalf of the organization.

14 A It sounds right to me. I have written the book nine years
15 ago.

16 Q Does that remain a valid point that even a failed attack
17 can serve as propaganda for an organization like ISIS?

18 A It could. I mean, it depends on the context. I mean, you
19 ask the question in a vacuum.

20 Q Well, for instance --

21 A Meaning a failed attack is not good propaganda?

22 Q -- when somebody praises somebody, you talked about
23 celebration after somebody dies a martyr, correct?

24 A Some people do that, yes.

25 Q And so if someone is praising somebody as having achieved

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1 shahada, does that not serve as propaganda for the
2 organization?

3 A That's not really the point. I'm not really sure what is
4 propaganda or what's not.

5 I mean, the families, some of them, celebrate.

6 Others, they're deeply despondent that they've lost a close
7 one. So it's very hard to tell.

8 Q So even somebody who is like-minded might be despondent
9 over the loss of someone important to them; is that what
10 you're saying?

11 A I'm sorry. Can you speak slowly?

12 Q Even someone who is like-minded may be despondent over the
13 loss of someone close to them, correct?

14 A I mean, you know, it's a concept that's very hard for a
15 psychiatrist to understand.

16 Q There's no question for you.

17 A Okay. Fine.

18 The answer is "yes and no" then.

19 MR. KOEHLER: If I could have a moment?

20 BY MR. KOEHLER:

21 Q Isn't it true that someone who is a slow reader could
22 pause a video in order to read the subtitles?

23 A Of course.

24 Q Have you listened to the CD of *The Hereafter* that was
25 discovered in the defendant's apartment?

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1 A I have gone through it very fast.

2 Q I'm sorry?

3 A You know, I can't listen. Sporadically, you know, when I
4 see something about an hour, you know, I listen five minutes.
5 I kind of sample, unless, you know, it's something that I'm
6 interested in personally. Most of those -- I mean, there's so
7 many of them that I just sample. That's how I conduct my
8 research.

9 Q *The Hereafter* is a lecture about the Signs of the
10 Apocalypse, right?

11 A Yes.

12 Q Sign 44, are you familiar with that one?

13 A No, not Sign 44.

14 Q So you are not familiar with that being the final battle?

15 A I'm not familiar with that video.

16 Q Are you familiar with who al-Awlaki identified the Romans
17 as?

18 A Well, you know, at the time it's not al-Awlaki. At the
19 time you have to put yourself back to the Seventh Century.
20 And non-Muslims, people around the Mediterranean were called
21 Romans by people who were not -- who were from the desert
22 because they all looked like Romans to them.

23 And al-Awlaki is just using the term that was used
24 around that time.

25 Q Right. But he refers to the Romans and he talks about

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1 that being "the West," correct?

2 A That would be -- I think if you can move forward in
3 history, 14th Century, that would become the West later on.

4 Q So in other words, al-Awlaki in interpreting this prophesy
5 says that the Romans are now the West, correct?

6 A I think that's correct, yes.

7 Q Have you done any studies of ISIS members and what they
8 view as justification for what they're doing?

9 A I have heard a few, yes.

10 Q Are you aware of ISIS supporters using this particular
11 sign from al-Awlaki's lectures as justification?

12 MR. MAYNARD: Objection to the form.

13 THE COURT: Yes. Rephrase the question more
14 specifically, please.

15 BY MR. KOEHLER:

16 Q Are you aware of ISIS supporters looking to al-Awlaki's
17 Sign 44 as justification for what ISIS is doing in terms of
18 pursuing this final apocalyptic battle?

19 A I think that some probably do. But remember, al-Awlaki
20 died two years prior to the creation of ISIS, so this is not
21 what al-Awlaki meant.

22 But some of the followers of ISIS now kind of, you
23 know, go retrospectively and kind of say, yeah, this is kind
24 of a justification. It's a war. It's a clash of civilization
25 between Islam and the West.

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1 Q Based on what you have seen, what I have shown you from
2 Exhibit 157 with Mr. Simpson's Twitter posts and his handles
3 and his profile pictures, would you agree that Anwar al-Awlaki
4 was someone extremely important in Simpson's eyes?

5 A It seems that he listens to him and so on, so, yeah, I
6 would guess that he would be, yes.

7 Q And would you agree, based on the fact that Soofi didn't
8 have a Twitter account and that Simpson did, that Simpson was
9 the person who served as the link to the jihad in this case?

10 A The link between what and what?

11 Q Between his group, whether it's just him and Soofi, or him
12 and Soofi and others, that Simpson served as the link to the
13 jihad?

14 A Well, I think that he was trying to link up to dislodge a
15 community, some of whom were in Britain, others were in
16 Somalia.

17 I think one guy may have been in Iraq itself. He was
18 tweeting. I'm not really sure -- I didn't see anything that
19 he was presenting them as -- that he was the head of the
20 group.

21 Q Were you aware of his communications with Junaid Hussan?

22 A Yes. I think that's the one that was in Iraq.

23 Q Were you aware that they were communicating with each
24 other over Surespot?

25 A Yes. That's what my understanding. I mean, they mention

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1 it on their tweets.

2 Q You recognize Junaid Hussan's name?

3 A Yes.

4 Q He was part of ISIS, right?

5 A Yeah. He went to Iraq to join ISIS, yes.

6 Q And he was from Britain?

7 A Yes.

8 Q He was involved with the Islamic State Hacking Division?

9 A What division?

10 Q The Islamic State Hacking Division. He was involved with
11 them?

12 A It seems so. I mean, their electronic brigade or whatever
13 they call it, if they call it "hacking division," that's fine.
14 I'll accept that.

15 Q He was a computer hacker before he left England, correct?

16 A I think he was, yes.

17 Q And he was killed by the United States?

18 A Yes. He was killed after -- I think after this Garland
19 shooting.

20 MR. KOEHLER: Nothing further.

21 THE COURT: Thank you, Mr. Koehler.

22 Mr. Maynard?

23 **REDIRECT EXAMINATION**

24 BY MR. MAYNARD:

25 Q Dr. Sageman, just a few questions.

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1 You did a presentation with Evan Kohlmann for either
2 the UN or an agency associated with the UN back in 2009 or
3 thereabouts?

4 A In March 2009, yes.

5 Q Okay. You're aware that Evan Kohlmann does a lot of work
6 on the Internet; is that correct?

7 A Yes.

8 Q How would you describe what Evan Kohlmann does versus what
9 you do?

10 A Evan just kind of looks at the Internet. He looks at what
11 the propaganda is. He spends all his time on the Internet.

12 I try to look at the people who carry out the attack.
13 I'm trying to understand how they became radicalized, how they
14 turned violent, what influences went into that mixture that
15 kind of led them to shoot.

16 I'm a people person. I'm a psychiatrist. So I go
17 around the world, interview people to really try to understand
18 how this is possible so that we can stop it. And sometime the
19 Internet or the messages on the Internet may or may not be
20 important in that process.

21 Q At one point you were a scholar in residence for the New
22 York Police Department?

23 A That was the time that --

24 MR. KOEHLER: Beyond the scope.

25 THE COURT: Overruled. I can't tell whether it is or

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1 not. It's just one question.

2 BY MR. MAYNARD:

3 Q When was that?

4 A That was when I met Evan Kohlmann because he lived two
5 blocks, three blocks away from where the Intelligence Unit of
6 the NYPD was housed. I was a scholar in residence helping the
7 New York Police Department trying to protect the city.

8 And we found out that we were on the same
9 presidential election team. And I'm thinking, well, you know,
10 maybe I can give Evan Kohlmann enough of a chance. I kind of
11 reached out to him. We met over drinks. You saw the bottle
12 of wine mentioned.

13 And since he has a tremendous knowledge of the
14 Internet, I said, well, maybe we can merge our expertise. And
15 then, you know, when I started looking at other stuff he was
16 doing, I did not like it at all, so my relationship with his
17 was four months.

18 MR. KOEHLER: I object to the narrative at this
19 point.

20 THE COURT: I'm sorry. I think he's finished his
21 answer. He said my relationship with him was four months.

22 Your next question then, Mr. Maynard.

23 BY RIGHT1:

24 Q Is it fair to say that you recognized that Evan Kohlmann
25 does have expertise in certain areas involving the Internet?

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1 A Absolutely.

2 Q And do you have an understanding that he has a fairly
3 large, significant collection of Islamic propaganda that can
4 be found on the Internet?

5 A Yes. That's his area of expertise.

6 Q You two just seem to differ on certain other aspects of
7 terrorism?

8 A That's correct. Yes.

9 Q You were asked a couple of questions about --

10 One question you were asked was about the
11 relationship of the individual who did the attack at Ft. Hood
12 with al-Awlaki. And what was that relationship, if any?

13 A Al-Awlaki sent -- I mean Major Hasan sent 16 e-mails over
14 the space of a few months to al-Awlaki, to the al-Awlaki
15 website. Al-Awlaki was not responding about e-mail number 8
16 or 9.

17 When Major Hasan invited al-Awlaki to come to the
18 United States so he could give him a reward, a kind of medal,
19 and al-Awlaki finally responded and said, you know, it's too
20 much, you know, honor. I don't think I deserve such honor.

21 And so Major Hasan answered back to him and said: I
22 understand. And by the way, I'm not married. Could you look
23 for a sister for me.

24 You know, meaning to set him up for real marriage,
25 not one of the 72 virgins.

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1 And al-Awlaki answered: Yes. I'll look out for a
2 sister for you.

3 And that's it. And that's the only two e-mail that
4 al-Awlaki answered back to Nidal Hasan.

5 And then after the Ft. Hood shooting, you know,
6 again, propaganda people brag and exaggerate, so I think
7 al-Awlaki said: Oh, yeah, I directed this attack.

8 Which, of course, was not the case.

9 Q Are you familiar with a writing called The Origins of the
10 Islamic State?

11 A Yes, vaguely. Yes.

12 MR. KOEHLER: Objection. Beyond the scope.

13 THE COURT: Once, again, I can't tell yet.

14 MR. KOEHLER: We never talked about that publication
15 on cross.

16 THE COURT: There may be, but there's not a next
17 question yet for me to be able to determine.

18 BY MR. MAYNARD:

19 Q You were asked some questions about dream interpretation.

20 A Yes.

21 Q Okay. You are familiar with dream interpretation as your
22 work as a psychiatrist, correct?

23 A Yes. I was very skeptical about it, but, yes, I'm very
24 familiar with it.

25 Q Okay. And are you aware in this case as to whether or not

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1 anybody was having dreams and asked them to be interpreted by
2 someone?

3 A Yes.

4 Q And who was the individual that was asking that their
5 dreams be interpreted?

6 A I think Simpson was the individual who said:

7 I dream of al-Awlaki last night.

8 Q Is it fair to say that al-Awlaki clearly became a radical
9 near the end of his life?

10 A He was a terrorist at the end of his life.

11 Q And that his writings at the end of his life promoted
12 terrorism?

13 A Yes.

14 Q But your belief is that the writings at the beginning of
15 his life really have nothing to do with terrorism?

16 A That's right.

17 Q Based on the -- you were asked some questions about why
18 people join terrorist cells or organizations.

19 What is your understanding as to why people join
20 these terrorist cells and organizations?

21 MR. KOEHLER: Objection. That question was not
22 asked.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: Well, I'm going to give you a quick
25 overview of the argument in my two books.

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1 Basically, it's an identification. We identify with
2 the victims. You see people persecuted, killed by barrel
3 bombs in Syria. That's really when I talk to people who want
4 to go to Iraq or Syria, that's usually what they tell me and
5 they say, you know, I can't just stand by and let them be
6 murdered.

7 So they want to go there to protect their community.
8 So they identify. They become -- they develop a social
9 identity of a soldier. I am a soldier for Allah. You know,
10 I'm mushaad. And it's very similar, you know, volunteering
11 for the Army in the U.S.

12 And what those cultures do? They kill.

13 And that's basically, in a nutshell, part of the
14 process. Maybe I can give you all the conditions and so on,
15 but we'll be here for next week. So that's in a nutshell.
16 It's an identification as a soldier to protect your community
17 which is under -- under attack.

18 Q You were asked questions about whether or not you have
19 testified for the United States in terrorist cases?

20 A That's correct.

21 Q Have you ever been retained by the United States to
22 testify?

23 A Yes, I have.

24 Q Okay. And why is it that you ended up not testifying in
25 those cases?

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1 A The defendant pled guilty so my testimony was not needed.

2 MR. MAYNARD: I don't have any further questions,
3 Your Honor.

4 THE COURT: May Dr. Sageman be excused?

5 MR. MAYNARD: Yes.

6 THE COURT: Is there any objection, Mr. Koehler?

7 MR. KOEHLER: No, Your Honor.

8 THE COURT: Thank you, Dr. Sageman. You may step
9 down, sir, and you are excused as a witness.

10 THE WITNESS: Thank you very much.

11 MR. MAYNARD: The defense rests.

12 **DEFENSE RESTS**

13 THE COURT: And is the government ready with a
14 rebuttal case?

15 MS. BROOK: Yes, Your Honor.

16 THE COURT: We will take our afternoon break. We
17 will reconvene at a quarter to 3:00.

18 Ladies and gentlemen, you are reminded of the usual
19 admonitions.

20 Court is in recess until quarter to 3:00.

21 (Recess taken at 2:26 p.m.; resumed at 2:40 p.m.)

22 (Open court, no jury present.)

23 THE COURT: Thank you. Please sit down. The record
24 will show the presence of counsel and the defendant. The jury
25 is not present.

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1 Before the jury comes back, I wanted to talk to you
2 about the schedule.

3 MS. BROOK: Yes.

4 THE COURT: Ms. Brook, what is the rebuttal case?
5 How long? How many people? How long?

6 MS. BROOK: We are hopeful we will get it done today,
7 so we have four people.

8 THE COURT: Okay. So that's all I need to know.

9 MS. BROOK: Okay.

10 THE COURT: No matter what happens, we're not going
11 to have a lot of time --

12 Well, let's put it this way. It's not going to be
13 possible to be instructing the jury at nine o'clock tomorrow
14 morning. And so I would like your thoughts on what we should
15 do.

16 We are going to have to -- I don't know if you are
17 going all the way up to 4:30, but in terms of preparing the
18 instructions, they are completely unprepared -- well, they're
19 not completely unprepared -- but they're certainly not
20 anywhere close to being ready to hand out to the jury.

21 MS. BROOK: So is it possible, so let's say
22 hypothetically, we end today at 4:30, can we spend time at
23 that point agreeing upon the instructions and getting them
24 prepared at that juncture? Or will the Court may not be
25 available?

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1 THE COURT: Well, the problem is is that there is not
2 going to be anybody available to put them together until
3 tomorrow if we don't start until late today.

4 MS. BROOK: Right.

5 THE COURT: And so my thoughts are that at a minimum,
6 we don't have the jury to come in until tomorrow afternoon.

7 However, you may have -- and I'm looking more at
8 Mr. Maynard -- you may have thoughts about having the
9 arguments take place over more than one day.

10 MR. MAYNARD: Yes. I don't want the arguments to
11 take place over more than one day.

12 My thought was if we could do the jury
13 instructions -- if we could get them done in the morning and
14 the government tells us that they are going -- they indicated
15 to me they were going to take an hour to an hour-and-a-half, I
16 thought, on their closing. I'm thinking an hour,
17 hour-and-a-half.

18 But if it looks like we're going to go two days, I
19 would ask the Court to send the jury home until Friday.

20 THE COURT: I'm amenable to that. And then we
21 aren't -- we aren't rushing and making a mistake on the
22 instructions.

23 It's very clear we cannot -- I could not start
24 reading the instructions at one o'clock tomorrow and expect
25 that the closings could be complete.

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1 MR. MAYNARD: Right. So I would prefer that we put
2 the closings off until Friday and that we spend tomorrow,
3 whatever time is necessary, to get the jury instructions done.

4 MS. BROOK: I'm trying to think of another option for
5 that. It's certainly --

6 MR. MAYNARD: Monday?

7 MS. BROOK: No, not Monday.

8 Perhaps we could also -- we need to get Dr. Vidino on
9 the stand. He has a flight out tonight.

10 We could, in the alternative, get Dr. Vidino on the
11 stand and then turn our attention to the instructions, compile
12 those and get those finished, finish our testimony in the
13 morning, and then move on from there.

14 THE COURT: Well, the process -- first of all, we
15 can't finally settle the instructions today --

16 Well, I could, but you probably want to actually see
17 them as a set of instructions to make sure that they are a
18 full and complete set of the instructions. Because as we go
19 through them today, we're just going one-by-one and you're
20 never going to see the full set of instructions.

21 And at least based on what's been submitted, it's
22 going to be a fairly thick set of instructions.

23 And so if we came back tomorrow morning for, you
24 know, 30 minutes, we would still have a significant gap
25 because you would want to have time --

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1 First, we would have to get the instructions put
2 together in a set. You would have to review them. Make any
3 objections. We would have to make any corrections. And then
4 we would have to make 15, 16, 17, 18 -- 20 sets of
5 instructions.

6 So the jury would be sitting in the jury room for
7 quite a long time. I don't anticipate if we came back in the
8 morning for half an hour that -- I can't even be confident we
9 would be ready to go at 11:00.

10 MS. BROOK: Okay.

11 THE COURT: So I think we're talking Friday morning
12 at 9:00. And then we can make sure that we have got a good
13 set of instructions.

14 MS. BROOK: Right.

15 THE COURT: So that's the plan.

16 MR. MAYNARD: That would be fine.

17 THE COURT: Okay. Oh, last thing, thank you,
18 Maureen.

19 Remember the juror question you wanted to think
20 about, the "perjury" question?

21 MR. MAYNARD: Oh, yeah. I think the government's
22 position was not to deal with it?

23 THE COURT: Was to just -- yeah.

24 MS. BROOK: That's correct.

25 MR. MAYNARD: I would go along with that.

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1 THE COURT: Okay. I think I want to acknowledge
2 there was a question and that -- that the information that was
3 requested was not relevant in this case.

4 How is that?

5 MS. BROOK: Yes.

6 MR. MAYNARD: That would be fine.

7 THE COURT: Oh, somebody wants to know what a
8 rebuttal case is. I will try and give a brief explanation.

9 Okay. Let's bring the jury in.

10 (Open court, jury present at 2:47 p.m.)

11 THE COURT: Please sit down.

12 As you come in, ladies and gentlemen, the record will
13 reflect that the jury has joined us.

14 I wanted to address two juror questions. One was
15 submitted at the time of recess last Friday and the juror --
16 the question that was asked is an issue that is not relevant
17 in this case.

18 And if that juror, after the case is all over, still
19 wants to have an explanation about the issue or the question
20 that was raised, I will be happy to see if I can answer it
21 outside of the context of this case.

22 And the second question is: What is a rebuttal case?
23 Good question. You may have noticed we have this pattern that
24 when somebody calls a witness, there's direct examination,
25 then cross, then redirect. And the purpose of redirect is to

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1 be able for the person who called the witness to ask questions
2 about things that were raised on cross.

3 In the trial as a whole, we have the government's
4 case-in-chief, the defense case, and then the government's
5 rebuttal case that is analogous to what I just explained about
6 direct, cross, and redirect.

7 This is an opportunity for the defense in a
8 relatively short case -- we're hoping that it will be over in
9 an hour-and-a-half -- to call witnesses to address things that
10 may have been raised in the defense case that were not
11 addressed in the government's case-in-chief.

12 MS. BROOK: Thank you, Your Honor.

13 The Government calls Dr. Lorenzo Vidino.

14 THE CLERK: Please state your name for the record,
15 spelling your first and last name.

16 THE WITNESS: Sure. Lorenzo. That's L-O-R-E-N-Z-O
17 V-I-D-I-N-O.

18 THE COURT: You may proceed, Ms. Brook.

19 MS. BROOK: Thank you, Your Honor.

20 And, Maureen, when you have a moment, can you hand
21 him Exhibit 616, please.

22 **LORENZO VIDINO, WITNESS, SWORN**

23 **DIRECT EXAMINATION**

24 BY MS. BROOK:

25 Q Good afternoon.

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1 A Good afternoon.

2 Q Would you please introduce yourself to the jury.

3 A Sure. My name is Lorenzo Vidino.

4 Q And, Dr. Vidino, what do you do for a living?

5 A I work at George Washington University. I run a research
6 center at GW.

7 Q The research center that you run, what's the name of it?

8 A It's called the Program On Extremism.

9 Q So it's the Program On Extremism?

10 A Yes, correct.

11 Q And what is your specific field of expertise?

12 A Basically, for the last 15 years, I have studied what's
13 called jihadist homegrown networks in the West, Europe, and
14 North America.

15 Q Let's take a moment and talk about your educational
16 background. Where did you go to college?

17 A Well, I got my undergraduate degree in law in Italy. Then
18 I moved to the states in 2002 and I went to -- I got my
19 masters and Ph.D. from Tufts University.

20 Q And your masters and your Ph.D., one by one, what was your
21 focus in those studies?

22 A Sure. The masters was in international relations with a
23 focus on security; and the Ph.D. was also on international
24 relations with a focus on Middle East and security.

25 Q And you mentioned that you also studied law. Did you get

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1 a law degree when you were in Italy?

2 A Yes.

3 Q The focus of your studies related to your Ph.D.,
4 specifically, what was it?

5 A I looked at homegrown networks, jihadist networks in the
6 West, the processes of radicalization and recruitment for --
7 at the time it was al-Qa'ida -- there was no ISIS -- al
8 Qa'ida-related networks in Europe and North America.

9 Q And when was it that you got your Ph.D.?

10 A What year?

11 Q Yes.

12 A 2010.

13 Q Have you published books on the subject of terrorism?

14 A Yes. I published -- I authored three books and I have
15 edited three books.

16 Q Specifically, let's go through them one by one.

17 What was the first book you published?

18 A The first one was call *Al-Qa'ida in Europe*, but it was
19 back in 2005 and I think it was the first book on the subject,
20 on Al-Qa'ida in Europe back then.

21 Then I published a book in 2010, *The New Muslim*
22 *Brotherhood In The West*. That was for Columbia University
23 Press.

24 And then I published another book on jihadist
25 networks in Italy back in 2013.

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1 Q Do any of the books that you've published or work focus on
2 al-Qa'ida in Iraq or the Islamic State?

3 A Yeah. I have a chapter in the *Al-Qa'ida in Europe* book on
4 Europeans and North Americans going to Iraq to fight. It was
5 obviously the very beginning. It was 2005.

6 So the phenomenon of foreign fighter had just
7 started. And then I added to the book which came out two
8 years ago, 2014, if I'm not mistaken on -- it's called *ISIS*
9 *Incubators* and it's about recruiting networks for ISIS, again
10 in Europe and North America.

11 Q And the books that you've published, your educational
12 background, as well as the articles that you have written, are
13 they all contained within your CV?

14 A Yes.

15 Q And before you is Exhibit No. 616. I'm going to place it
16 on the overhead so you can see it before you.

17 Is that your CV?

18 A Yes. Correct.

19 MS. BROOK: So the Government would move to admit
20 616.

21 MR. MAYNARD: No objection.

22 THE COURT: I was hoping not, Mr. Maynard, after I
23 twisted Mr. Koehler's arm on the last one.

24 616 is admitted.

25 (Exhibit No. 616 admitted in evidence.)

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1 BY MS. BROOK:

2 Q You spoke a moment ago about working at George Washington
3 and being the founder and director of the program on
4 extremism.

5 In relation to your work there, have you recently
6 published a report?

7 A Yes. On December 1st, 2015, we published a report which
8 is called *ISIS in America: From Retweets to Raqqa*.

9 And it's basically the first to report or published
10 on ISIS in America, on recruitment networks in America for
11 ISIS.

12 Q And that report itself, so it talks about recruitment
13 networks. Generally speaking, what does the report detail?

14 A Well, basically what we did, we did two things. We have a
15 research team at the center. We looked at all the cases of
16 individuals who are being charged with ISIS-related activities
17 in the U.S. since the first case which was March 2014. So we
18 looked at the 71 individuals who have been charged in the U.S.

19 We looked at all the legal documents. We looked
20 at -- we interviewed people, supplemented with thousands and
21 thousands of pages of records, with interviews, media
22 reporting.

23 And then what we also did is we looked at the online
24 scene. We looked at Twitter, Instagram, Facebook, a variety
25 of social media platforms where American-based ISIS

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1 sympathizers interact.

2 Q And the report itself, once it was released back in -- you
3 said December?

4 A December 1st, yes.

5 Q Has it been relied upon or spoken about in mainstream
6 media?

7 MR. MAYNARD: Objection, Your Honor. This is not
8 rebuttal at this point.

9 THE COURT: We're still getting his qualifications, I
10 think.

11 MR. MAYNARD: Okay.

12 THE COURT: Overruled. You may answer.

13 THE WITNESS: Yeah. I think it was well received, I
14 would say, both within government and, generally speaking,
15 policy-making circles. It was mentioned in three
16 Congressional hearings. I was asked to testify before the
17 Senate last January.

18 And it also received a lot of media coverage. It
19 was, incidentally, released the day before the San Bernadino
20 attacks. It was purely coincidence, obviously, and it
21 received a lot of media attention, so it was featured in New
22 York Times, Washington Post, Wall Street Journal, CNN. You
23 name it, all the mainstream media outlets covered it.

24 Q Does the report itself focus on homegrown violent
25 extremism?

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1 A Yes. We looked at cases of Americans who join ISIS, all
2 the cases are Americans, people arrested in the U.S. and the
3 vast, vast majority of them are U.S. citizens.

4 Q What's the main take-away point from the report?

5 A I would say the main one is that there's no such thing as
6 a common profile of ISIS support or ISIS sympathizers in the
7 U.S.

8 It really runs the gamut. You have teenage girls and
9 40-year-old men. You have all kinds of socioeconomic
10 backgrounds, all kinds of educational backgrounds, different
11 patterns into radicalization, different recruiting patterns,
12 so absolute diversity in profiles.

13 Q And just a little bit more about your background before we
14 jump into the meat of the testimony here.

15 Have you written apeds?

16 A Yes. I write fairly often in both American and
17 international media.

18 Q Who for?

19 A Recently published in the Washington Post a couple of
20 times, Boston Globe, Wall Street Journal, and also a lot of
21 media in Europe, Middle East.

22 Q Have you appeared on television as an expert in the area
23 related to terrorism?

24 A Yes, but fairly often also I would say in the U.S. with
25 the big networks like CNN, MSNBC, Fox, CBS, NBC, ABC.

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1 Q Are you quoted in newspapers as it relates to homegrown
2 extremism?

3 A Yes, again, fairly often. Particularly, of course, when
4 something related to terrorism comes up in the news, I am
5 called upon relatively often by, you know, again, sort of
6 mainstream media, the New York Times, Wall Street Journal.

7 Q And in connection with your work in this case, have you
8 been compensated or do you expect to be compensated?

9 A Yes.

10 Q And roughly what do you expect to be compensated in
11 connection with your work in this particular field?

12 A Sure. I'm being paid \$250 an hour.

13 Q And in total, how much do you think your bill will be for
14 for the amount of work you have done for this case?

15 A I would estimate about \$10,000.

16 Q Do you provide trainings and seminars on the Islamic
17 State?

18 A Yes, on the Islamic State and on radicalization in
19 general. We -- the center in general and myself personally --
20 we provide a lot of training, again, both in the United States
21 and abroad to law enforcement, intelligence agencies, as well
22 as, of course, you know, think-tanks, academia or
23 policymakers. We brief a lot. We provide a lot of -- we do a
24 lot of public speaking and seminars.

25 MS. BROOK: Your Honor, may I approach and turn this

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1 board so it's facing forward?

2 THE COURT: Yes.

3 MS. BROOK: Thank you.

4 BY MS. BROOK:

5 Q And I'm turning around for the jury Exhibit No. 283 -- I'm
6 sorry -- 383 which has already been admitted and published.

7 It's our exhibit of photographs and names related in this
8 case.

9 Dr. Sageman was here today and were you in the
10 courtroom for that?

11 A Yes, I was.

12 Q Okay. He testified that there is no evidence that there
13 is a threat here in the United States from ISIS homegrown
14 extremists. Do you agree with that?

15 A No. I would strongly disagree with that.

16 Q Can you explain that?

17 A We have seen some 18 individuals arrested in the United
18 States for ISIS-related activities.

19 We have seen a few attacks that have been inspired by
20 ISIS.

21 The FBI speaks of around a thousand cases open
22 nationwide related to ISIS. And we have seen at least a dozen
23 Americans who have died in Iraq and Syria fighting with ISIS,
24 some of them are suicide bombers.

25 So I think we have a whole spectrum, whether it's

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1 individuals who are just inspired by ISIS ideology or
2 individuals who have actually, physically joined ISIS and
3 pledge allegiance to ISIS. I think we have them in the United
4 States.

5 I would agree with what Dr. Sageman said that it's
6 less than in Europe, but I think every single official has
7 gone on the records in the U.S. saying that we have seen
8 ISIS-related radicalization in the U.S. and it's unprecedented
9 compared to what we used to see related to al-Qa'ida a few
10 years back.

11 Q And the radicalization itself, does that pertain to people
12 so "homegrown" -- how would you define that or how do you
13 classify that?

14 A The vast majority of individuals who are attracted to ISIS
15 ideology are individuals who are homegrown, U.S. born, whether
16 they are second or third generation immigrants or converts to
17 the faith.

18 The vast majority are people who are born and raised
19 in the U.S. or at least have gone -- and have undergone the
20 radicalization process in the United States; so homegrown,
21 yes.

22 Q I want to focus in for a moment on Shaykh Abdullah Azzam
23 who we have talked about in this case.

24 Dr. Sageman testified that categorizing him as the
25 Godfather of Jihad is ridiculous, that he is a Jordanian

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1 scholar.

2 What is your opinion of Azzam as it relates to being
3 somebody that has an effect on violent jihadists?

4 MR. MAYNARD: Objection to the form of the question.

5 THE COURT: Sustained. You can rephrase your
6 question.

7 BY MS. BROOK:

8 Q Has Shaykh Azzam had a significant influence on violent
9 homegrown extremist jihadists?

10 A He's still referred to as one of the key ideologues of --
11 let's call it the "Jihadist Movement" even though he died a
12 long time ago.

13 His ideas are still very much referenced by a lot of
14 homegrown radicals in the U.S.

15 The idea that jihad is an Vidino obligation, that's
16 really the main contribution of Abdullah Azzam to the jihadist
17 movement is that it's mandatory upon every Muslim to go and
18 use violence to defend fellow Muslims who are under attack.

19 That's where you get the Azzam contribution and
20 that's very much used by groups like al-Qa'ida, like ISIS, and
21 by individuals who seek to join groups like ISIS or al-Qa'ida.

22 So even though he was killed a long time ago, his
23 ideas are very, very much relevant today.

24 Q So starting in the 1980s, how did Azzam start to identify
25 himself?

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1 A Azzam basically was the first charismatic Vidino that
2 understood that Afghanistan, when Afghanistan had been invaded
3 by the Soviets, was a cause not just for the Afghans but for
4 the whole Muslim Community, that all Muslims should have gone
5 to Afghanistan and defeated the Soviets.

6 Basically, he started to make it a religious
7 obligation. He crafted the idea. He was somebody with a
8 religious background. He was a cleric, indeed. And he made
9 the religious argument that it was religiously mandatory for
10 all able-bodied Muslims to go to Afghanistan and fight.

11 His ideas have been used by people after him to make
12 every other conflict that involves Muslims is a mandatory
13 jihad.

14 Q So in present day do ISIL members see Azzam as somebody
15 that is inspirational in terms of violent jihad?

16 A Yes, absolutely. And it's clear from the fact that you
17 see it online, on social media where, in conversations among
18 ISIS sympathizers, a lot of them use the icon of Abdullah
19 Azzam as their icon on Twitter or on Facebook.

20 They share books. They share links. They share
21 lectures. Abdullah Azzam is one of the, I would say, top five
22 idealogues of the global movement.

23 Q And, historically, who was Azzam a mentor for?

24 A Osama bin Laden.

25 Q Was he a mentor in person with him or was it just his

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1 writings?

2 A No. No. Absolutely, they knew each other very well. And
3 the very beginning of the experience of Arab volunteers going
4 to Afghanistan to fight the Soviets was the office that
5 Abdullah Azzam and Osama bin Laden created in Peshawar
6 together in the mid '80s. Abdullah Azzam and Osama bin Laden
7 started what's called a services office in Peshawar, Pakistan,
8 in the mid '80s.

9 That was the first place created to have Arab
10 volunteers go and fight in Afghanistan against the Soviets.

11 Azzam was older, more charismatic, and more
12 knowledgeable than bin Laden. Bin Laden looked up to Azzam.
13 To simplify things a bit, bin Laden had the money, Azzam had
14 the brains.

15 Q Let's shift gears for a moment and talk about Anwar
16 al-Awlaki.

17 So Dr. Sageman testified that Anwar al-Awlaki's
18 historical lectures are pretty uncontroversial presently.

19 Do you agree with that?

20 A It depends what you mean by "controversial."

21 I would say they're not directly advocating violence.
22 It's clear that there is a trajectory in al-Awlaki's work
23 where he calls for direct attacks and for violence and does,
24 indeed, come to light only late by let's say 2005, 2006,
25 definitely after his incarceration in Yemen.

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1 But his early works are really set -- sort of create
2 a narrative of confrontation with the West, a narrative of
3 victimization that is conducive to violence.

4 It's not purely religious work. It's not just purely
5 explaining the life of the Prophet.

6 One of the main reasons why al-Awlaki was -- and
7 still is -- so popular is because he contextualizes arguments
8 that come from Islamic history and Islamic writings from 14
9 centuries ago within a modern setting. So he talks about
10 Islamic civilization being under attack by the West.

11 There's parts of certain -- some of his writings
12 where he talks about McDonald's Civilization and part of that
13 imposition of the McDonald's Civilization on the Islamic word
14 is the fact that if you don't accept McDonald's, you're also
15 going to have bombs and the West is going to attack you.

16 Q So let me just take a second and rewind for a moment.

17 So in talking about, you know, the Hereafter or Life
18 and Times Of The Prophet, those particular types of lectures,
19 are they ones that present day homegrown extremists still find
20 inspirational and important to them?

21 A Yes, absolutely.

22 Q And in a nutshell, can you explain why?

23 A First of all, they are very sophisticated explanations of
24 parts of the faith which, you know, jihadists will look at the
25 violent part, but also they will look at the foundations of

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1 Islam.

2 So al-Awlaki plays a role in explaining those parts
3 which are less controversial. But it's also the beginning,
4 the foundation, of a certain narrative whose logical
5 consequence is violence.

6 Q So I want to talk about mainstream society and the take or
7 the view of al-Awlaki over the last ten years. So we've
8 talked about in this case that Anwar al-Awlaki was killed by a
9 drone strike in 2000 -- or I'm sorry, in 2011.

10 MR. MAYNARD: Objection to the form of the question.

11 THE COURT: It's not clear where you're going. You
12 said ten years. I was just going to ask you to clarify.

13 Are you talking about in his last ten years or in the
14 period 2006 to 2016?

15 MS. BROOK: That's right. I'll ask a better
16 question.

17 THE COURT: We all know he died in 2011.

18 BY MS. BROOK:

19 Q So before 2011, was it reported in mainstream media that
20 Anwar al-Awlaki had violent jihadi views.

21 A I would say that by -- right after 9/11 and definitely
22 once the 9/11 Commission Report came out, you had reporting in
23 the media that he was linked -- some of the 9/11 hijackers,
24 and that he had questionable connections.

25 By 2007/2008, it was public knowledge that he had

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1 become violent and associated with al-Qa'ida.

2 You have coverage in the Washington Post and Time
3 Magazine, on CNN, talking about this American cleric being one
4 of the main sources of inspiration of a lot of plots, a lot of
5 individuals that carried out attacks in the West. So but by
6 2008, I would say, it was very much public knowledge.

7 Q Have you read and are you familiar with the 9/11
8 Commission Report?

9 A Yes, I am.

10 Q And briefly, what is it?

11 A It's the official government analysis, basically, of what
12 happened on 9/11, what lead to the attacks, and basically,
13 then it also issued recommendations for how to prevent future
14 atrocities.

15 Q Approximately what year was it released in?

16 A 2004, I believe.

17 Q And does it talk about Anwar al-Awlaki?

18 A Yes.

19 Q Generally, what does it report?

20 A It basically questions the fact that -- talks about the
21 fact that al-Awlaki had been a mentor to some of the -- to two
22 of the core 9/11 highjackers.

23 And in particular, the fact that he was a mentor to
24 them in San Diego when they arrived in the United States for
25 the first time in 1999 in preparation for the attacks; and

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1 then the fact that one year later, he's also mentoring them
2 when they moved to Virginia.

3 So that this long, protracted interaction with two of
4 the core 9/11 highjackers and a lot of other unanswered
5 questions about it, I think, at the time -- and that's the
6 time also when al-Awlaki came under investigation from the
7 FBI.

8 There were a lot of questions that were not really
9 answered. And it then lead to al-Awlaki himself realizing he
10 was monitored, leave the country.

11 Q By 2007, did Anwar al-Awlaki advocate for American Muslims
12 to integrate into American society or was he encouraging
13 something else?

14 A I think that's debatable whether he was encouraging them
15 to integrate. He was very critical of American society, of
16 Western society in general. He always advocated for an
17 Islamic society ruled by Sharia law.

18 He did not advocate violent confrontation with the
19 West, necessarily, but he argued that good Muslims lived only
20 under an Islamic order, so not a democratic order.

21 Q I want to take a moment.

22 Yesterday we heard testimony from Ms. Deedra Abbud
23 who is the former Executive Director of the Arizona Board for
24 CAIR -- or CAIR. And what does "CAIR" stand for?

25 A It's the Council on American Islamic Relations.

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1 Q Can you give us a quick background sketch on what CAIR is?

2 A CAIR is a -- I would say a slightly controversial
3 organization because it is an advocacy group and does some
4 good work on civil liberties. But at the same time, it has
5 been under investigation from authorities for a long time.

6 It was in 2007/2008 an unindicted co-conspirator in
7 the largest terrorism financing case in U.S. history.

8 Q Let's talk for a second. Does CAIR have a Texas branch?

9 A Yes, we do.

10 Q And before May 3rd of 2015, did CAIR, the Texas branch,
11 speak about the Draw the Prophet Muhammad Art Exhibit that was
12 going to be held in Garland, Texas?

13 A Yes. They sent out a few bulletins, a few communiques
14 denouncing the event.

15 Q And when were those? Do you remember when they were
16 released?

17 A In the weeks leading to the event. I would say April --
18 in March/April.

19 Q Dr. Sageman testified about The Battle of Hearts and
20 Minds.

21 Placing on the overhead first what's already been
22 admitted as the string site from the Lenovo computer.

23 Based upon your research, your studies, your work, do
24 violent jihadis rely upon the Battle of Hearts and Minds as an
25 important work?

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1 A It's a work that appears often in the library of
2 individuals who are engaged in violent activities.

3 Q And can you explain how parts of its message appeal to
4 those individuals?

5 A Well, not directly advocating violence. It still lays out
6 that the initial narrative of confrontation between the West
7 and Islam, that sort of incompatibility between the West and
8 Islam, but he argues exists.

9 And at the same time argues that basically those --
10 that those Muslims who do not live or aspire to live under
11 Sharia law are basically not good Muslims, which is quite a
12 confrontational message but could lead to violence. It
13 doesn't necessarily. It's not always leading to violence, but
14 it's sort of the beginning of the trajectory that leads to
15 violence.

16 Q I want to take a second and switch gears and speak for a
17 moment about terrorism cells.

18 So Dr. Sageman testified that terrorism cells, as it
19 relates to division of labor, that he has only seen one case
20 where there was a terrorism cell that had a division of labor
21 of the people within the cell.

22 Is that consistent with what you have seen?

23 A I would say no. There's obviously enormous diversity in
24 how terrorist cells work and networks work. I mean, you can
25 have a generalized answer.

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1 I would say that in particular in structured groups,
2 it's normal to have a division of labor. But even in more
3 improvised, certainly the homegrown clusters, homegrown
4 networks, you do see that people that have certain skills will
5 do certain things.

6 So if one -- somebody is better with computers, that
7 person will be more in charge of all the IT aspects of the
8 cells or the network's activities.

9 Somebody will be more prone to finding weapons or
10 finding explosives. Somebody else will be more the money
11 person.

12 So generally, there is that normal division. I think
13 it's almost normal. You have it in any kind of aggregation of
14 individuals. You can have five friends, so somebody is better
15 at organizing things, somebody is better at getting money.

16 It's a normal division of labor. I think that it
17 happens fairly normally.

18 Q Dr. Sageman also testified that members of terrorism
19 cells, homegrown extremist terrorism cells, will feel
20 uncomfortable with their former friends, especially in the
21 weeks prior to an attack and they self-isolate.

22 Is that something that you have seen?

23 A I would say that it does happen in some cases, but in the
24 majority of cases that I can think of, it's actually the
25 opposite. But you would have people who don't really have a

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1 major change or behavior in the weeks or days leading up to an
2 attack.

3 I think it's normal, actually, to see whenever we see
4 interviews with people who live around people who carry out
5 attacks to see how shocked and surprised they were because
6 that person didn't really have a change in behavior and they
7 looked like a very normal person.

8 First example that comes to mind is the Boston
9 Marathon bombers. You know, the younger brother, in
10 particular, the younger of the two Tsarnaev brothers who did
11 his homework, went to a party a couple days before the attack,
12 lived with his roommate, a normal life.

13 So, again, some cases you might have that change in
14 behavior, but in most cases I would say no.

15 Q So is that Johar Tsarnaev?

16 A Johar Tsarnaev, yes.

17 Q And you said he lived with his roommate. Was his roommate
18 Muslim?

19 A No.

20 Q And in the days before he was going to movies and doing
21 normal things?

22 A Yeah. He was going to class, going out with friends,
23 having dinner, you know.

24 Q Based upon your experience, are violent jihadis always
25 devout in there practice?

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1 A They would like to be, but I think that in many cases we
2 see that a lot of them are not. Again, there's always
3 exceptions. You can't generalize, but it's fairly normal to
4 have individuals involved in jihadist activities who engage in
5 behaviors that are very un-Islamic. Let's put it like that.

6 Q Can you give us an example?

7 A Well, since --

8 MR. MAYNARD: Objection, Your Honor. It's beyond the
9 scope.

10 THE COURT: Overruled. You may answer.

11 THE WITNESS: First example that comes to mind
12 because we talked about the Tsarnaev brothers, they both --
13 both the younger, but particularly the younger, but also the
14 older, the elder used drugs. They dated.

15 So all behaviors, but not behaviors that somebody
16 that claims to be strictly Muslim should engage in. But I
17 think it's fairly normal. I can think of -- well, the 9/11
18 highjackers that used to go to strip clubs in Vegas. It's
19 fairly normal.

20 Q Would going to a strip club be consistent with a devout
21 Muslim practice?

22 A No. Absolutely not.

23 Q And why so?

24 A Because, obviously, the engagement with the other sexes
25 under very strict rules. So probably it's a little of the

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1 opposite of what the kind of behavior that a devout Muslim
2 should engage in.

3 Q Dr. Sageman testified that perpetrators of an attack would
4 be happy and celebrate upon hearing that the other
5 perpetrators had achieved martyrdom.

6 A True.

7 Q Based upon your experience and everything that you have
8 seen and researched, are perpetrators of an attack only happy
9 and celebrate that those have died in an attack have died?

10 A Well, they obviously are happy among themselves. They
11 celebrate the fact that somebody has achieved martyrdom, as
12 you know, achieved jihad, achieved martyrdom, and achieved
13 Paradise.

14 Obviously extraordinary, that behavior might be
15 different. Those that do not die and participate in the
16 attack in one way or the other, obviously are not going to
17 make that joy and participation for the event known to the
18 outside world, obviously, because they might be afraid that
19 there will be consequences for bad behavior.

20 Q Dr. Sageman testified about his opinions on Evan Kohlmann.
21 And as it relates to ISIS, do you have an opinion about Evan
22 Kohlmann's knowledge base as it relates to the Islamic State?

23 A He has been studying the subject for a long time. I think
24 Kohlmann was working on al-Qa'ida in Iraq already, which is
25 the group that preceded ISIS, Arabian 2006/2007 when really

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1 the group started.

2 Plus, he -- as I think Dr. Sageman admitted, he's
3 very knowledgeable on everything that goes on online. And
4 it's well known that ISIS is very good at using the Internet
5 and social media so that that allows Kohlmann to be quite
6 knowledgeable on ISIS propaganda and ISIS activities.

7 Q Let's talk about that for a second.

8 Based upon your research, your studies, your
9 experience, is media propaganda for the Islamic State an
10 effective recruitment tool?

11 A Absolutely.

12 Q And Dr. Sageman talked about how people would see the
13 brutal murders and the videos that they put out of slaying
14 people.

15 Based upon your experience, those particular videos
16 that the Islamic State propaganda machine releases, do they
17 have an effect in the recruitment of violent homegrown
18 extremists?

19 A Yeah. Generally speaking, yes.

20 Obviously, as I said, we have very different profiles
21 of individuals who are attracted to ISIS. Some of them would
22 be attracted to certain aspects of the propaganda; some others
23 to others.

24 But it's very clear that some individuals are
25 attracted specifically to the violent videos. They tend to be

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1 very widely shared on social media.

2 You do see -- well, when we are at the Center at
3 George Washington University that I run is that we monitor
4 that scene online on social media. So we do see what they
5 talk about, what ISIS sympathizers talk about on social media.

6 And we see the enthusiasm that exists when some of
7 the most gruesome of videos come out. Those are the ones that
8 get a lot of people going; not everybody, but quite a few
9 people.

10 Q Are you familiar with the websites Hoor-al-ayn and
11 Kalamullah?

12 A Yes.

13 Q And those two websites, are those just for followers of
14 conservative Islam?

15 A I think that's an understatement. I think it's extremely
16 conservative Islam, to say the least, but I would say quite on
17 the militant side.

18 Not everybody that is on it is jihadists, but I think
19 it's sometimes a fine line. Of course, it's difficult to
20 really -- you know, it's not black and white, but I would say
21 it's more than just conservative.

22 Q Do violent homegrown extremists watch and look at material
23 on those websites?

24 A Yes. It's a link. The tradition is being shared quite
25 often.

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1 MS. BROOK: May I have a moment?

2 THE COURT: Yes.

3 MS. BROOK: I don't have any other questions.

4 THE COURT: Thank you.

5 Mr. Maynard?

6 **CROSS EXAMINATION**

7 BY MR. MAYNARD:

8 Q Dr. Vidino, did Dr. Sageman get anything right?

9 A Yeah. Quite a few things.

10 Q Is Dr. Sageman a well-known scholar in the area?

11 A Sure. Absolutely.

12 Q Is he well respected?

13 A By some.

14 Q Are his works considered to be groundbreaking?

15 A Oh, absolutely. I would say particularly the 2003/2004,
16 the first book, Understanding Terrorist Network.

17 Absolutely, the whole idea of the bunch of guys was
18 absolutely groundbreaking at the time. I relied upon it
19 myself a lot.

20 Q I'm sorry?

21 A I use it myself quite a bit.

22 Q Okay. Are there times when Dr. Sageman is controversial
23 with other people?

24 A Absolutely.

25 Q Okay. You told us that you're the -- you're teaching at

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1 George Washington University?

2 A No. I'm direct -- I'm teaching as an adjunct, but my main
3 job there is I run a center, a research center.

4 Q Okay. This research center that you run, this is an
5 administrative position that you have?

6 A I'm the Director. I'm the Head of Research. It's not an
7 administrative. I mean, I run the research. I direct it.

8 Q And how many employees are there that are working there?

9 A Paid employees, we have six people; and then we have
10 some -- basically a dozen research assistants, graduate and
11 undergraduate students.

12 Q Students?

13 A Yeah.

14 Q But they're not paid?

15 A No.

16 Q And you just got your Ph.D. in March of 2010?

17 A Uh-huh.

18 Q Is that correct?

19 A That's correct.

20 Q From Tufts?

21 A From Tufts.

22 Q Okay. And this research center that you're the Director
23 of, you're the one who proposed this? You're the founder?

24 A Well, I'm not the one who proposed it, but I was called to
25 do it, but it was offered it to me, so.

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1 Q That only started in April of 2015?

2 A Correct.

3 Q It's a brand new center?

4 A Correct.

5 Q Okay. And prior to that, you spent approximately a year
6 in Milan as a visiting fellow?

7 A Correct.

8 Q And just so that we're clear, when you said you have a law
9 degree from the University of Milano or University of Milan, a
10 law degree in Italy, that's an undergraduate degree? One goes
11 and they get that.

12 A Yeah. Straight from high school and they get that.

13 Q Straight from high school and then you can get a law
14 degree?

15 A It's a five-year degree, but it's undergrad.

16 Q But you do have a master's degree and you do have a Ph.D.
17 from Tufts?

18 A Correct.

19 Q Is the area that you are -- would you agree that your area
20 of expertise is primarily in the area of the New Muslim
21 Brotherhood?

22 A No. I would say it's 67 percent on the jihadi network
23 and -- I mean it's difficult to really put a number, but 30,
24 40 percent on the Brotherhood; and the two things are not
25 completely -- I mean, there's a lot of overlap between the

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1 two.

2 Q Sure. When it comes to al-Awlaki, now, there's no
3 question he was an Imam in San Diego for a while, correct?

4 A Correct.

5 Q He was an Imam in Falls Church, Virginia, at the time of
6 9/11?

7 A Yep.

8 Q And after 9/11 happened, like you, he was somebody that
9 people would contact to ask questions in the media?

10 A Absolutely.

11 Q He was in the New York Times?

12 A Absolutely.

13 Q He was in the -- all the national media that pretty much
14 you have mentioned you --

15 A Yeah.

16 Q Okay. Actually, PBS did a documentary called Legacy Of
17 The Prophet where al-Awlaki made an appearance in that in
18 2002?

19 A Uh-huh.

20 Q Is that correct?

21 A I believe so.

22 Q Okay. And then al-Awlaki ends up leaving the United
23 States around 2004 and goes --

24 A And he goes back and forth for a bit but, yeah, he spends
25 some time in the UK. Then comes back and realizes things are

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1 --

2 Q Things are sort of strange --

3 A -- things are difficult for him, right, and he leaves the
4 country for good.

5 Q All right. So he spends a couple of years in the UK or
6 coming back and forth?

7 A Yeah, more or less.

8 Q And eventually goes to Yemen in 2007?

9 A I think 2006.

10 Q Okay. And then he is --

11 A He gets arrested.

12 Q I don't even need to ask questions.

13 A I'm sorry. Sorry. I didn't mean to interrupt you.

14 Q That's okay. He's arrested and he's jailed for a couple
15 of years, a year-and-a-half?

16 A Yeah. Yeah.

17 Q And clearly when he gets out, he is at least more publicly
18 radical --

19 A Correct.

20 Q -- than he was before?

21 A Absolutely.

22 Q And he certainly becomes a terrorist near the end of his
23 lifetime?

24 A Correct, yes.

25 Q But he is killed prior to ISIS even forming?

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1 A Yeah. He had nothing to do -- it's al-Qa'ida. Nothing to
2 do with ISIS.

3 Q Okay. You were telling us a little bit about the
4 individuals who commit acts of terror and they achieve a
5 martyrdom.

6 One of the reasons, in part, is because they'll get
7 those 72 black-eyed virgins; is that correct?

8 A Obviously, everybody has got different motivations, but if
9 you look at what individuals who would carry out attacks and
10 die talk about, yes, they often mention the 72 virgins and the
11 green birds of Paradise, all the gifts and blessings that will
12 come once you achieve martyrdom, yes.

13 Q And so these individuals that have committed sins under
14 the Islamic faith, if they commit a martyrdom, they then --
15 those sins are forgiven because they go to heaven and they get
16 the green birds, they got the black-eyed virgins, correct?

17 A Correct. Correct.

18 Q So if you are a sinner, this is a good thing for you,
19 right?

20 A That's how some of them believe it to be, yes.

21 Q Just briefly on the issue of Azzam, wasn't the United
22 States on the side of Azzam when he was alive? Azzam.

23 A I think that's a slight simplification. I would say that
24 the United States was supporting the Afghans against the
25 Soviets, that's for sure, so they were on the same side.

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1 I think there was -- you know, I've never seen any
2 evidence. I don't think anybody has ever really shown
3 evidence of direct support of Azzam, bin Laden, and the Arab
4 Mujahideen by the United States.

5 The United States used proxies to support everybody
6 that fought the Soviets. In most cases that proxy was the
7 Pakistani government and Pakistani intelligence agencies. So
8 they are on the same side, but I don't -- I'm not aware of any
9 evidence of direct support.

10 Q There was a book of several years ago written on The
11 Falling Towers?

12 A The Looming Tower.

13 Q The Looming Towers?

14 A Yeah. Lawrence White.

15 Q Won a Pulitzer Prize?

16 A Right.

17 Q History of al-Qa'ida and Osama bin Laden?

18 A Best book on the subject.

19 Q Best book.

20 And it does indicate that the United States actually
21 supported the side that Osama bin Laden was on at that time?

22 A It supported the side. I'm not sure it was direct
23 support, as I said. I mean, to some degree you can argue --

24 Q Well, The Looming Tower seemed to -- whoever the author
25 was of the Looming Tower --

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1 A Lawrence White.

2 Q Right. Seemed to imply that in a --

3 A No. I don't think it was -- I'm quoted in the book. I
4 know the book very well. I helped in the research.

5 No, I don't think that's what he said. He said, of
6 course, we're on the same side. There was some indirect
7 flirtation, you can argue. I think that's the extent that he
8 would argue there was -- to some degree you can argue like the
9 U.S. has some groups in Syria now that are fighting Assad and
10 are Islamists, like Sabbatai Muslims, so -- and it doesn't
11 mean that just because they're both against Assad that they
12 are fighting together.

13 Q The United States was going to at that particular time
14 would support pretty much anybody --

15 A Yeah.

16 Q -- who was going against the Soviet Union.

17 A Absolutely.

18 Q Okay. You didn't mean to imply that CAIR, the Counsel on
19 American Islamic Relations, is a terrorist organization, did
20 you?

21 A No. No. No. I stated a fact that in 2007 it was
22 mentioned as an unindicted co-conspirator in the largest
23 terrorism financing case in U.S. history which is the Holy
24 Land Foundation case in Dallas, Texas. That's all.

25 Q But there's no findings against CAIR?

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1 A Because it was unindicted.

2 Q Right.

3 A Everything else in the --

4 Q Yeah.

5 A Absolutely.

6 Q I mean you're a lawyer. You know that if there had been
7 strong evidence, they would have been indicted.

8 A Absolutely.

9 Q Okay. So you didn't mean to imply that there was
10 something wrong?

11 A No. But at the same time, I think it says something about
12 the organization.

13 Q Okay. In fact, CAIR is sometimes analogized to the ACLU?

14 A By some, I guess.

15 Q By some?

16 A Depends by who.

17 Q Did you read Peter Bergen's book on the United States of
18 Jihad?

19 A It just came out. I started reading it. It literally
20 came out a few weeks ago.

21 Q Did you notice that Dr. Sageman was mentioned numerous
22 times in there?

23 A Yeah. I did notice that.

24 Q Actually, it even had his picture in there.

25 A Yeah.

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1 Q I didn't see you mentioned in there.

2 A No. I don't think I am, yeah.

3 Q Evan Kohlmann is not mentioned in there either, is he?

4 You don't know?

5 A I didn't look for his name to be honest.

6 Q Are you and Evan Kohlmann very close?

7 A We're friends, yeah, absolutely.

8 Q Been friends a long time?

9 A Yes.

10 Q And, in fact, you're familiar with the book that he wrote?

11 A Oh, yeah.

12 Q Okay. Is it -- did you assist him in any of the research
13 he did in that book?

14 A Yes. I provided him some documents.

15 Q Is that why he put you in the Acknowledgments of his book
16 back in 2004?

17 A Exactly. Exactly.

18 MR. MAYNARD: I don't have any further questions.

19 THE COURT: Any questions on redirect, Ms. Brook?

20 MS. BROOK: Just very briefly.

21 **REDIRECT EXAMINATION**

22 Q Defense counsel asked you if you're friends with Evan
23 Kohlmann. Are you also friends with Dr. Sageman?

24 A Yes. I would say so.

25 MS. BROOK: I don't have any other questions.

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1 THE COURT: May Dr. Vidino be excused as a witness?

2 MS. BROOK: Yes.

3 THE COURT: Any objection?

4 MR. MAYNARD: Yes -- no.

5 THE COURT: Thank you very much, Dr. Vidino.

6 You may step down and you are excused as a witness.

7 The government may call its next witness.

8 MS. BROOK: Thank you, Your Honor. The government
9 calls Detective Jeff Nash.

10 THE COURT: Remember a couple weeks ago when we
11 administered the oath, Detective Nash?

12 THE WITNESS: Yes.

13 THE COURT: You are still under oath. Come and have
14 a seat on the witness stand.

15 (Witness duly sworn)

16 THE COURT: You may proceed.

17 **DETECTIVE JEFFREY DAVIS NASH, WITNESS, SWORN**

18 **DIRECT EXAMINATION**

19 BY MS. BROOK:

20 Q Would you introduce yourself one more time to the ladies
21 and gentlemen of the jury.

22 A I'm Detective Jeff Nash with the Arizona Department of
23 Public Safety and I'm assigned to the Joint Terrorism Task
24 Force.

25 Q I want to start off and talk about two interviews that you

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1 conducted back in June of 2015. And on June 11th of 2015, did
2 you have occasion to interview James Sampson?

3 A I did.

4 Q Was it in connection with this case?

5 A It was.

6 Q Where did you interview him?

7 A At his home.

8 Q And were you alone or with another agent?

9 A I was with another agent. Nathan Gina.

10 Q When you interviewed Mr. Sampson that day, was the
11 interview recorded?

12 A It was.

13 Q And during that interview, did you ask Mr. Sampson about
14 Stefan Verdugo?

15 A I did.

16 Q Did you ask him what his impression of Stefan Verdugo was?

17 A I did.

18 Q Have you had the opportunity to listen to Government's
19 Exhibit 604?

20 A Yes.

21 Q And does it fairly and accurately reflect Mr. Sampson's
22 response to your question?

23 A Yes, it does.

24 MS. BROOK: Government moves to admit and play.

25 THE COURT: Is there any objection?

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1 MR. MAYNARD: No.

2 THE COURT: Whatever number it is is admitted. 604.

3 (Exhibit No. 604 admitted in evidence.)

4 MS. BROOK: The audio is not working. One minute.

5 MR. MAYNARD: Your Honor, I don't have an objection
6 to the tape being played but I haven't seen a transcript of it
7 before, so I'm not sure --

8 THE COURT: Well, this is a listening aid.

9 MR. MAYNARD: Okay.

10 THE COURT: And if anyone has any quarrel about
11 whether or not it's an accurate representation, I will tell
12 the jury that this transcript is only to aid you in listening.

13 As you may have noticed sometimes, when you hear a
14 tape you can't always understand the words. But for purposes
15 of any further review by you of the evidence, it's what you
16 hear that is the evidence and not necessarily what is typed on
17 the screen.

18 MS. BROOK: Thank you, Your Honor.

19 (Exhibit No. 604 being played for the jury.)

20 BY MS. BROOK:

21 Q On June 25th did you have occasion -- so June 25th of
22 2015, did you have occasion to interview Mr. Sampson again?

23 A I did.

24 Q And on that day where did you interview him?

25 A It was at the FBI Headquarters building.

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1 Q And did he come down voluntarily for an interview?

2 A Yes, he did.

3 Q Did you interview him by yourself or with somebody else?

4 A No. I was with Detective Dan Harmon.

5 Q And that particular interview, was it recorded?

6 A It was.

7 Q In that interview did Mr. Sampson discuss whether he knew
8 Malik was a felon?

9 A Yes, he did.

10 Q Have you had an opportunity to listen to Exhibit No. 606?

11 A Yes.

12 Q And does it fairly and accurately represent his response
13 in talking about that?

14 A Yes, it does.

15 MS. BROOK: Government moves to admit and play 606.

16 MR. MAYNARD: No objection.

17 THE COURT: 606 is admitted.

18 (Exhibit No. 606 admitted in evidence.)

19 (Exhibit No. 606 being played for the jury.)

20 BY MS. BROOK:

21 Q I want to move on and I want to talk briefly about your
22 interview with the defendant on May 5th of 2015.

23 During that interview -- and we've talked about it a
24 little bit before when you were here in the case-in-chief
25 about three weeks ago. We talked about that interview as it

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1 relates to the room, correct?

2 So just to ground us a little bit, who were the
3 agents that were in the room that day for that interview?

4 A It was myself and Agent Whitson.

5 Q And during that interview, was the defendant -- during
6 that interview what did he say about whether he had gone
7 shooting in the desert with Simpson and Soofi?

8 A He said, no, he hadn't -- he did say that Simpson asked
9 him to go shooting but he refused.

10 Q And during that interview, what did the defendant say
11 about Simpson having an AK?

12 A At first he denied Simpson having an AK or any knowledge
13 of it and then he changed his answer and said that he did know
14 he had an AK and that Simpson had showed it to him.

15 Q And did he say when he had shown it to him?

16 A It was about six months prior from the date of the
17 interview.

18 Q And during that interview, what did the defendant say
19 about Soofi having an AK?

20 A Mr. Kareem said that he knew that Nadir Soofi had a gun,
21 had an AK and a couple of other weapons.

22 Q At any point during that interview did the defendant
23 mention that the reason why he knew that Simpson and Soofi had
24 an AK was because he had received a call from somebody who
25 told him that?

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1 A No.

2 Q At any point during that interview did he say that the
3 reason why he knew that Simpson and Soofi had an AK was
4 because he had received two calls from people who told him
5 that?

6 A No.

7 Q The questions that were asked to the defendant during this
8 interview and the questions we've just talked about, were they
9 important in this investigation?

10 A Yes, they were. It was very early on in the
11 investigation. At that point we were interviewing everybody
12 that was either associated or related to the Elton Simpson and
13 Nadir Soofi. That was to help further along the investigation
14 and make sure we didn't have other people involved.

15 Q And, again, during this particular interview you took
16 notes?

17 A I did.

18 Q And those notes were all preserved?

19 A Yes.

20 Q And afterwards there was a four-page report that was
21 drafted?

22 A Yes.

23 Q And did you sign that report?

24 A I did.

25 Q During that interview with the defendant on May 5th at any

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1 point did he say that he wasn't feeling good?

2 A No.

3 Q Did he say a couple of times that he wasn't feeling good?

4 A No, he didn't.

5 Q Did he look sick?

6 A No, he didn't.

7 Q Did he seem to be loopy or confused?

8 A No, he was not.

9 Q Did he seem to be lethargic?

10 A No.

11 Q Did he tell you he had a headache?

12 A No.

13 Q Did he say he was hungry?

14 A No.

15 Q On January 23rd of 2014 did you speak to the defendant in
16 connection to returning back to him his Lenovo laptop and that
17 thumb drive?

18 A Yes, I did.

19 Q After you spoke to him on the 23rd, and then, again, on
20 the 24th, did you generate a report?

21 A I did.

22 Q Did you generate one report for the contact you had with
23 him on the 23rd?

24 A Yes.

25 Q Did you generate another report for the contact you had

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1 with him on the 24th?

2 A I did.

3 Q At any point did he tell you that back in 2012 Ibrahim was
4 working for him?

5 A No.

6 Q At any point did he tell you that back in 2012 Ibrahim was
7 allowed to use his Lenovo laptop computer?

8 A No.

9 Q At any point did he tell you that back in 2012 Ibrahim was
10 allowed to use his e-mail account?

11 A No.

12 Q Specifically, what did he say to you about other people
13 using his Lenovo computer back in 2012?

14 A Mr. Kareem told me that he had told them, meaning Elton
15 Simpson and Abu Bakr Ahmed, to not use his computer.

16 He had had a computer that had crashed before and
17 when he got his new computer, the Lenovo, he told them not to
18 use it.

19 MS. BROOK: May I have one moment?

20 THE COURT: Yes.

21 MS. BROOK: That's all.

22 THE COURT: Mr. Maynard?

23 MR. MAYNARD: Just a moment, Your Honor. I
24 apologize.

CROSS EXAMINATION

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1 BY MR. MAYNARD:

2 Q Detective Nash, you were the one who called -- or were you
3 the one who called Mr. Abdul Kareem and told him he needed to
4 come and get his Lenovo computer back in January of 2014?

5 A That he needed to come in? No.

6 Q Were you the one who contacted him about coming in?

7 A Yes.

8 Q And did you tell him that he did not have to come in? You
9 could just get rid of the computer?

10 A That's correct.

11 Q Did you tell him that he should come in and get the
12 computer because he could sell it and make money?

13 A I did tell him that.

14 Q So you encouraged him to come in to get the computer?

15 A If he wanted to.

16 Q Yeah. Initially, he said he didn't want it, didn't he?

17 A Correct.

18 Q And he said: Just get rid of it.

19 A Yes.

20 Q And you told him he needed to come in and get it?

21 A I didn't tell him he needed to come in and get it.

22 I asked him if he wanted to come in and get it and
23 made him an offer --

24 Q And he told you no, but then you followed up, correct?

25 A I told him, I said, he could take it and sell it if he

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1 wanted to.

2 Q Now, how long did that telephone conversation last?

3 A A few minutes.

4 Q Two minutes? Three minutes?

5 A A few minutes. I don't remember exactly.

6 Q Did you keep notes?

7 A Not for that, no.

8 Q How many times did you see him in January of 2014?

9 A Twice.

10 Q Okay. So you had that telephone conversation and then he
11 came in?

12 A Actually, I take that back. I only saw him once.

13 Q Okay. Are you sure?

14 A Yes.

15 Q Okay. So the two meetings that you were just being asked
16 about, one of them was this two, three, four, eight-minute
17 telephone conversation?

18 A Correct.

19 Q So it wasn't really a meeting, was it?

20 A No, it was not.

21 Q And you really weren't interrogating him or asking him
22 questions. You were telling him: Here's the computer and
23 it's ready to come in -- it's ready for him to take.

24 THE COURT: Which one of those questions would you
25 like Detective Nash to answer?

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1 MR. MAYNARD: I'll slow down.

2 BY MR. MAYNARD:

3 Q In the telephone conversation, the purpose of it was to
4 tell him that it was ready for him to come and pick up?

5 A Correct.

6 Q And it's a very short conversation?

7 A It was a few minutes, yeah.

8 Q Yeah. Now, he comes in and he picks up the computer on
9 January 23rd; is that correct?

10 A I believe it was the 24th.

11 Q So it was the day after the telephone conversation?

12 A That's correct.

13 Q How long is he there when he's picking up this computer?

14 A He actually stayed about a half an hour.

15 Q On your 302 do you list the time he arrives and the time
16 that he leaves?

17 A I don't recall if I did or not.

18 Q At the time that he was there picking up the computer,
19 you're asking him questions, correct?

20 A Not really, no.

21 Q He just came in and he's picking up a computer that he's
22 indicated he didn't want and he stays for 30 minutes to talk
23 you, a member of the Joint Terrorism Task Force?

24 A I'm confused. I think you have two of the -- the two --
25 the telephone call and the actual face-to-face meeting

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1 combined.

2 Q No. I don't think so.

3 There's a telephone call that you make to him that
4 lasts a few minutes about coming in and getting the computer,
5 correct?

6 A Correct.

7 Q He comes in the next day to get his computer, correct?

8 A Correct.

9 Q And that's the only reason he's there is to get his
10 computer and take it and leave, correct?

11 A Correct.

12 Q You've not asked him to come in and be interviewed, have
13 you?

14 A No. I have not.

15 Q Okay. So he comes in to get his computer. And you --
16 does this take place --

17 Well, strike that.

18 Where does it take place?

19 A In the parking lot.

20 Q And do you start asking him questions?

21 A No. He started a conversation with me.

22 Q Okay. Did you ask him any questions?

23 A No. He started a conversation.

24 Q So there really wasn't anything for him to answer then if
25 you didn't ask him any questions, was there?

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1 A No. He carried -- he started the conversation and carried
2 the conversation.

3 Q Okay. Now, on January 5th -- strike that. Sorry.

4 On May 5th, that's the interview where you and
5 Detective Whitson have asked him to come in, correct?

6 A Yes.

7 Q And that's the interview where -- we've gone over more
8 times than I care to think about anymore -- about the taping
9 of the interview?

10 A Yes. Correct.

11 Q And so when you're sitting in there during the interview,
12 you're taking some notes, correct?

13 A Correct.

14 Q However, you believe that it's being audiotaped, correct?

15 A Correct.

16 Q You believe it's being videotaped, correct?

17 A Yes.

18 Q Okay. And routinely, if you have audio and videotaped an
19 interview, you're going to develop your 302 after you look at
20 that; isn't that correct?

21 A Correct.

22 Q Okay. Now, you just told us a minute ago -- strike that.

23 Did you show him any pictures of these weapons that
24 were in Garland, Texas?

25 A Not on 5/5.

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1 Q Did you have any pictures of the weapons at that point?

2 A We did not.

3 Q Okay. Did you know what weapons had been used in Garland,
4 Texas, as of the time of this interview?

5 A Specifically, no.

6 MR. MAYNARD: I don't have any further questions.

7 THE COURT: Ms. Brook?

8 MS. BROOK: Just briefly.

9 **REDIRECT EXAMINATION**

10 BY MS. BROOK:

11 Q Just a couple quick questions.

12 So on May 5th, 2015, when you were interviewing the
13 defendant, did you know that some of the weapons used in
14 connection with the Garland attack were assault rifles?

15 A Yes.

16 Q And how soon after your interview with the defendant did
17 you learn that the recording equipment didn't work?

18 A It was either later that day or the next day.

19 Q And to your knowledge, was the report generated
20 immediately?

21 A Yes.

22 Q I want to talk about the January 23rd, 2014, interview --
23 or conversation you had with the defendant on the phone about
24 the Lenovo laptop and the two gigabyte thumb drive.

25 And I'm placing on the overhead, is that your report?

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1 A Yes, it is.

2 Q And it's two pages?

3 A I'm sorry?

4 Q Is it two pages?

5 A Yes.

6 Q How soon after your phone conversation with him on
7 January 23rd of 2014 did you generate this two-page report?

8 A It was the next day.

9 Q And can you tell that by the date?

10 A It was investigated on the 23rd. If you could go back up
11 to the top. Okay. So it was the same day.

12 Q So you generated the report the same day?

13 A Yes.

14 Q And you can tell that because it says "Date of Entry" of
15 the report on the top?

16 A Yes.

17 Q Turning your attention next to your report from January --
18 report regarding your meeting with the defendant on
19 January 24th of 2014.

20 A Okay. It was --

21 Q Is it a two-page report?

22 A It is.

23 Q And how soon after your meeting did you generate that
24 report?

25 A Looks like four days.

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1 Q Okay. When the defendant met you in the parking lot to
2 pick up the computer, the Lenovo computer, was that the only
3 thing that he picked up?

4 A No.

5 Q What else did he pick up?

6 MR. MAYNARD: Objection. Beyond the scope.

7 THE WITNESS: A 2 gigabyte hard drive.

8 MR. MAYNARD: Objection. It's beyond the scope.

9 THE COURT: Sustained.

10 BY MS. BROOK:

11 Q Defense counsel suggested --

12 THE COURT: Sustained.

13 MS. BROOK: I don't have any other questions.

14 THE COURT: Thank you, Detective Nash. You may step
15 down.

16 The government may call what I believe is your last
17 witness.

18 MS. BROOK: Two.

19 THE COURT: Two? Oh.

20 MR. KOEHLER: Possibly, a third one.

21 Your Honor, there is a third witness. I'm not sure
22 we're able to get that third witness here by 4:30. It's a
23 five-minute witness.

24 The United States recalls Greg Neville.

25 THE COURT: You may take the stand, sir. You are

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1 still under oath.

2 You may proceed, Mr. Koehler.

3 (Witness duly sworn.)

4 **GREGORY NEVILLE, WITNESS, SWORN**

5 **DIRECT EXAMINATION**

6 BY MR. KOEHLER:

7 Q Good afternoon, Mr. Neville.

8 A Good afternoon.

9 Q Would you please reintroduce yourself briefly to the jury.

10 A My name is Greg Neville. I'm an Intelligence Analyst with
11 the FBI.

12 Q And you previously testified about text messaging between
13 Elton Simpson and the defendant, among other things; is that
14 correct?

15 A Yes, it is.

16 Q And yesterday did you export a series of text messages and
17 call detail records from the defendant's Maxwest Gravity 5.5
18 cell phone?

19 A Yes, I did.

20 Q And did that come from the extraction of his phone through
21 Cellebrite?

22 A Yes, it did.

23 Q I have on the witness stand in front of you what's been
24 marked for identification as Exhibit 614. It's on the monitor
25 there.

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1 Do you recognize that?

2 A Yes, I do.

3 Q Is that a true and accurate copy -- and I'm going to flip
4 through the pages real quick -- the export that you did
5 showing phone calls and text messages between Abdul Malik
6 Abdul Kareem and Elton Simpson on April 16, 2015, April 17,
7 2015, and April 22nd of 2015?

8 A Yes, it is.

9 MR. KOEHLER: Move to admit 614.

10 MR. MAYNARD: No objection.

11 THE COURT: 614 is admitted.

12 (Exhibit No. 614 admitted in evidence.)

13 THE COURT: I notice it's color-coded. Do you want
14 to tell us what the code is?

15 THE WITNESS: The messages that are in red are sent
16 by Elton Simpson and the messages in black are sent by Abdul
17 Kareem.

18 THE COURT: Thank you.

19 BY MR. KOEHLER:

20 Q And have the times in this all been converted to Arizona
21 time?

22 A Yes. They have.

23 Q All right. Starting with the first call -- or the first
24 text at 5:27 p.m.

25 Could you walk us through for April 16, 2015.

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1 A Yes. So 5:27 Simpson sends:

2 "Brother call AK he's wondering about you."

3 At 5:36 p.m. Kareem sends:

4 "Where are you?"

5 At 5:36 p.m. Kareem sends:

6 "I text him so he should read the text and see."

7 5:37 p.m. Simpson sends:

8 "Should probably call."

9 5:37 Simpson sends:

10 "Might be a text or."

11 5:39 p.m. Simpson says:

12 "I'm at the crib but a little busy at the moment what

13 are you doing?"

14 5:49 p.m. Kareem sends:

15 "I'm at the doctors office."

16 5:55 p.m. Simpson says:

17 "Okay."

18 5:58 p.m. Kareem says:

19 "Leaving doctors office now."

20 6:19 p.m. Simpson says:

21 "All right."

22 6:20 Kareem:

23 "I'm home right now."

24 6:20 Simpson:

25 "Okay."

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1 6:21 Kareem sends:
2 "Want to run the downtown bis want to go?"
3 6:22 p.m. Simpson says:
4 "Not now I can't."
5 6:23 p.m. Kareem says:
6 "You still busy?"
7 6:24 Simpson says:
8 "Yep."
9 6:25 p.m. Kareem says:
10 "Okay."
11 7:40 p.m. Simpson calls Kareem.
12 7:56 p.m. Simpson says --
13 Q How long was that call?
14 A 15 minutes, 26 seconds.
15 Q Okay. Go ahead.
16 A 7:56 p.m. Simpson sends:
17 "Castor soft."
18 7:57 p.m. Simpson sends:
19 Screen shot.
20 8:38 p.m. Kareem calls Simpson. 31 seconds.
21 8:50 p.m. Kareem calls -- or texts Simpson:
22 "Salaam walaikum brother why didn't you respond to
23 that text."
24 8:58 p.m. Kareem:
25 "Brother do you see my text?"

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1 8:56 p.m. Simpson:
2 "Walaikum salaam wrwbed."
3 8:58 Kareem says:
4 "But I ask you did you see my text?"
5 8:59 p.m. Simpson sends:
6 "The salaam one?"
7 10:09 p.m. Simpson calls Kareem. 16 minutes, 41
8 seconds.
9 Q Now, moving on to April 17 of 2015.
10 A At 5:40 p.m. Kareem calls Simpson. One minute, 45
11 seconds.
12 At 8:17 p.m. Kareem calls Simpson. Five seconds.
13 At 8:18 p.m. Kareem sends:
14 "Salaam walaikum hey I didn't see you calling me I
15 have my GPS on."
16 9:02 p.m. Kareem:
17 "Salaam walaikum."
18 9:18 p.m. Simpson sends:
19 "Walaikum Salaam wrwbb."
20 9:18 p.m. Simpson:
21 "Its all good."
22 9:18 Simpson:
23 "Just at the crib playing Battlefield."
24 9:30 p.m. Kareem:
25 "I'm just finishing up this job."

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1 9:34 p.m. Kareem:

2 "Are you getting killed?"

3 9:41 p.m. Simpson:

4 "Yep."

5 Q And April 22nd?

6 A At 10:09 a.m. Kareem calls Simpson. Two seconds.

7 At 12:10 p.m. Kareem calls Simpson. Three minutes,
8 24 seconds.

9 At 2:57 p.m. Kareem calls Simpson. Fourteen seconds.

10 3:01 p.m. Kareem:

11 "Salaam walaikum my blood sugar was over a thousand
12 so I have to get admitted into the hospital that I was going
13 to let me leave said I'm about to go into a diabetic coma."

14 3:13 p.m. Simpson:

15 "Wa alaikum salaam wrwb subin allah. May Allah make
16 it easy."

17 8:19 p.m. Kareem calls Simpson. Five seconds.

18 10:34 p.m. Simpson calls Kareem: Seven minutes, 24
19 seconds.

20 MR. KOEHLER: No further questions.

21 THE COURT: Any questions, Mr. Maynard?

22 MR. MAYNARD: No questions.

23 THE COURT: Thank you, Mr. Neville. You may step
24 down.

25 MR. KOEHLER: The United States calls Amy Vaughan.

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1 THE COURT: Ms. Vaughan, you may take the stand. You
2 are still under oath.

3 (Witness duly sworn)

4 THE COURT: You may proceed, Mr. Koehler.

5 MR. KOEHLER: Can I ask that Exhibit 499 be placed
6 before the witness.

7 **AMY KATHLEEN VAUGHAN, WITNESS, SWORN**

8 **DIRECT EXAMINATION**

9 BY MR. KOEHLER:

10 Q Ms. Vaughan, when we spoke before in this case --

11 First off, can you please briefly reintroduce
12 yourself to the jury.

13 A Yes. My name is Amy Vaughan. I'm an Intelligence Analyst
14 for the FBI Phoenix Division.

15 Q And when we previously spoke, you spoke about reviewing
16 the data that had been extracted from the Acer Aspire laptop
17 computer that was recovered from Mr. Kareem's apartment; is
18 that correct?

19 A Yes. That's correct.

20 Q During the course of reviewing that, did you discover data
21 that appeared to have been deleted from the computer?

22 A Yes.

23 Q How was it that you were able to tell that something was
24 deleted as opposed to being an active file in reviewing an
25 image of the computer?

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1 A There's a couple of different ways that that information
2 is presented to us in our forensics program.

3 There is a special icon, for example, or there might
4 be file metadata that exists so you can see there was a file
5 but you can't open it because there's nothing there and it
6 might be grayed-out, for example, which is one way they show
7 it to us. And there is another type of recovered file which
8 is known as "carved files."

9 So that -- and in that case, the program is usually
10 able to reconstruct most, if not all, of the file but that
11 designation means it was recovered from previously-deleted
12 material.

13 Q I'm showing you what's in evidence as Exhibit No. 499 and
14 you have it there in front of you on the stand.

15 It makes reference to Opera Carved Web History as
16 well as Chrome and 360 Safe Browser.

17 In the lexicon of forensic software, what does the
18 term "carved" mean?

19 A It's a term that describes a technique, basically, of
20 rebuilding files. So the files are fragmented and they are
21 scattered across the computer's hard drive. And what the
22 forensics program is sometimes able to do is find all those
23 pieces and then string them back together. So in this case,
24 this is one such reconstruction.

25 Q So by definition, does the fact that something shows as

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1 being "carved" mean that at some point it had been deleted?

2 A Yes.

3 Q Did you find other evidence of deletions from the Acer
4 Aspire computer?

5 A Yes. There were numerous files, including several that we
6 previously discussed, that were fragmentary. So at some point
7 it had to exist in its totality, but by the time we got to it
8 it was in pieces.

9 Q I would like now to direct your attention to Exhibit No.
10 612 and I'll put that on the overhead camera for you, the
11 document camera. Do you recognize 612?

12 A Yes.

13 Q And what is that?

14 A This is a screenshot from our forensics program of a file
15 that I located on the Acer Aspire. It's an HTML file that was
16 downloaded on or before 9/21/2014.

17 And it says basically what would -- you would get if
18 you opened your Gmail, looked at an e-mail, and then tried to
19 save that page as HTML.

20 Q Is this a true and correct copy of the file that you found
21 on the Acer Aspire?

22 A Yes.

23 MR. KOEHLER: Move to admit 612.

24 MS. PLOMIN: No objection.

25 THE COURT: 612 is admitted.

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1 (Exhibit No. 612 admitted in evidence.)

2 BY MR. KOEHLER:

3 Q What is the e-mail account that was being accessed?

4 A It was gitrdonemoving@gmail.com.

5 Q And is that this address down here at the bottom?

6 A Yes. So that filename would have reflected the title of
7 the page at the time it was viewed.

8 Q In the course of reviewing the Acer Aspire, did you also
9 find video files on the Acer Aspire?

10 A Yes.

11 Q Among the video files that you found on the Acer Aspire,
12 did you find videos that appeared to have been shot by the
13 defendant Abdul Malik Abdul Kareem?

14 A Yes.

15 Q And was one of the videos that you found on the computer
16 related to a water leak at his home?

17 A Yes.

18 Q Did you have that video exported?

19 A Yes, I did.

20 Q Did you review the exported video and compare it to the
21 original that you had seen on the Aspire?

22 A Yes, I did.

23 Q And is it a true and correct copy?

24 A Yes.

25 Q And has that been marked as Exhibit 617 for court here

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1 today?

2 A Yes.

3 Q What is the date of that video?

4 MS. PLOMIN: Your Honor, I'm going to object. This
5 is not rebuttal and late disclosure.

6 THE COURT: Well, as far as I can tell, the only
7 thing that's relevant is the date for purposes of any rebuttal
8 testimony.

9 MR. KOEHLER: It has to do with the defendant's
10 testimony about a water leak in his home that he had to have
11 the water shut off and the date that he said that he had to
12 have the water shut off.

13 THE COURT: Right. But I don't see why we need
14 anything beyond the date.

15 MR. KOEHLER: I would like to corroborate the
16 witness's testimony that it is actually a video of the water
17 leak and not just her assertion that it is.

18 THE COURT: Well, is there some dispute about whether
19 there was a water leak on a certain time?

20 MR. KOEHLER: The defendant testified that his water
21 was shut off in February and he went and stayed at the Simpson
22 and Soofi apartment in February.

23 This video shows a water leak that was in August.

24 THE COURT: Again, it's a date issue. Nothing else.
25 I don't think we need the video. She can tell us what the

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1 date of the video is.

2 BY MR. KOEHLER:

3 Q Okay. What was the date of the video?

4 A August 2014.

5 Q Okay. Did you find any videos or other files in the
6 computer relating to a water leak at Mr. Abdul Kareem's
7 residence in 2015?

8 A No.

9 Q Did you find any such -- any files or e-mails or other
10 documents that related to a water leak or water shutoff in
11 2015?

12 A Not that I can recall.

13 MR. KOEHLER: I will stand by my motion to admit 617,
14 but otherwise, no further questions.

15 THE COURT: The objection is sustained.

16 Ms. Plomin?

17 **CROSS EXAMINATION**

18 BY MS. PLOMIN:

19 Q Good afternoon, Ms. Vaughan.

20 A Good afternoon.

21 Q Ms. Vaughan, you testified that you viewed some deleted
22 files on the Acer computer, correct?

23 A Yes.

24 Q And you also viewed a large amount of content on that
25 computer that was not deleted, correct?

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1 A Yes.

2 Q And including photographs of Simpson, correct?

3 A Yes.

4 Q Upwards of 14 photographs of Simpson, correct?

5 A That sounds about right.

6 Q And you also found visits to a website Hoor-al-ayn; is
7 that true?

8 A There was trace evidence of that website. It's
9 Hoor-al-ayn.com, yes.

10 Q And also Kalamullah.com?

11 A Yes.

12 Q Now, with respect to this video that you watched of a
13 water leak, did you watch that video?

14 A Yes, I did.

15 Q Could you tell whether the water leak was inside or
16 outside the house?

17 A Yes. It was inside the house.

18 MS. PLOMIN: No other questions. Thank you.

19 THE COURT: Any redirect, Mr. Koehler?

20 **REDIRECT EXAMINATION**

21 BY MR. KOEHLER:

22 Q You were asked about visits to Hoor-al-ayn and
23 Kalamullah.com and you mentioned that you found trace evidence
24 of those.

25 Explain what "trace evidence" is and what it is that

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1 you found.

2 A What I found was what appeared to be remnants of cached
3 files. So every time a computer visits a website, pieces of
4 that website are cached on that computer. So that -- parts of
5 that, fragmentary parts of that were what were found.

6 So there is no other way for that to get on that
7 computer without visiting that website.

8 Q Does it also mean that whoever looked at those things
9 deleted them from the computer after having done so?

10 A Yes. That's one explanation, yes.

11 MR. KOEHLER: No further questions.

12 THE COURT: Thank you, Ms. Vaughan. You may step
13 down.

14 MR. KOEHLER: Your Honor, as I mentioned, there's one
15 other witness to lay foundation for something very briefly.
16 It has to do with Western Union receipts.

17 THE COURT: But?

18 MR. KOEHLER: But the witness is not available this
19 afternoon.

20 THE COURT: And yesterday I advised the government
21 that all of their rebuttal witnesses had to be here ready to
22 go this afternoon.

23 You did not advise me that there would be any
24 difficulty with doing that. We are -- and so, I mean, it's
25 not 4:30. Your witness isn't here. I don't know why your

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1 witness isn't here and why he couldn't or she couldn't be
2 present.

3 So if you don't have any more witnesses, you'll have
4 to rest your rebuttal case.

5 MR. KOEHLER: Can we have a moment to see where we
6 are with that?

7 THE COURT: Yes.

8 MR. KOEHLER: Thank you.

9 The government recalls Stewart Whitson.

10 THE COURT: Agent Whitson, you may take the stand.

11 **SPECIAL AGENT STEWART WHITSON, WITNESS, SWORN**

12 **DIRECT EXAMINATION**

13 BY MR. KOEHLER:

14 Q Agent Whitson, as part of the booking process, were you
15 present when the defendant was booked into custody following
16 this interview?

17 A For part of that process I was present, yes.

18 Q And was his property, including his wallet, seized from
19 him at the time of his arrest?

20 A Yes, it was.

21 Q Was that evidence laid out in a room in your presence?

22 A Yes, it was.

23 Q And did you participate in going through his wallet and
24 the belongings that came out of his wallet?

25 A Yes. All of the evidence was laid out that was in his

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1 wallet. And then I visually went through and viewed all of
2 the items that were in his wallet before they were then
3 packaged.

4 MR. KOEHLER: Can I verify something with the clerk
5 briefly, Your Honor?

6 THE COURT: Yes.

7 MR. KOEHLER: I'm actually going to need to borrow
8 you in a minute to find Exhibit 194.

9 May I borrow the witness for a moment, Your Honor?

10 THE COURT: Yes.

11 BY MR. KOEHLER:

12 Q So after the arrest, you mentioned that his wallet was
13 removed. Did you witness the actual inventorying of
14 everything from the wallet?

15 A Yes. So they had laid out the wallet and all of its
16 contents and all of the contents from his pocket across the
17 table.

18 And then I came through and visually looked at those
19 to see if there was any evidence that I needed to action right
20 away, that kind of thing. So I reviewed everything that was
21 in the wallet and then left to do other things.

22 Q Was one of the things that you reviewed from the wallet a
23 set of receipts?

24 A Yes.

25 Q I would like to direct your attention to Exhibit 197.

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1 A Yes.

2 Q Can you tell the Court and the jury what those are?

3 A Yes. Exhibit 197 is four MoneyGram receipts that were
4 found inside Mr. Kareem's wallet on June 10th of 2015.

5 Q And are those the original receipts?

6 A Yes. They are a portion of the receipt that's torn off.

7 MR. KOEHLER: Move to admit 197.

8 MR. MAYNARD: May I voir dire, Your Honor?

9 THE COURT: You may.

10 MR. MAYNARD: Detective Whitson --

11 THE COURT: Okay, but you have to talk at a
12 microphone.

13 **VOIR DIRE EXAMINATION**

14 BY MR. MAYNARD:

15 Q Special Agent Whitson, was the wallet taken from my client
16 at the truck when he was arrested?

17 A I don't know if it was on his person or at the truck, but
18 it was brought to the office with him as part of his personal
19 belongings.

20 Q Were you there when the wallet was taken when he was
21 arrested?

22 A Not when he was arrested. I was not there.

23 Q He's brought back and he's interviewed by you and
24 Detective Nash, correct?

25 A Yes.

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1 Q And somebody then has taken his wallet at some point and
2 laid out the materials on it, you believe?

3 A Yes.

4 Q Correct? You didn't do it?

5 A I did not do that.

6 Q You didn't carry the wallet back either from where they
7 got it in his pocket or whether they got it in his truck,
8 correct?

9 A I did not carry it -- I did not.

10 Q Did you look at those materials that day right after you
11 had done -- or did you do it later on?

12 A I believe it was literally a minute after the interview
13 was over. The room that they had it set up in was actually
14 right down the hall from the spot where I interviewed
15 Mr. Kareem. And so as I --

16 Q I'm asking the questions.

17 A Sorry.

18 Q Did you have anything to do with laying it out?

19 A I did not lay out the contents.

20 Q Somebody else laid it out and told you that that was the
21 contents of the wallet?

22 A Yes.

23 MR. MAYNARD: Objection. Foundation, Your Honor.

24 THE COURT: The objection is overruled.

25 197 is admitted.

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1 (Exhibit No. 197 admitted in evidence.)

2 MR. KOEHLER: May I approach the witness to retrieve
3 the exhibit?

4 THE COURT: Yes.

5 **DIRECT EXAMINATION (cont'd)**

6 BY MR. KOEHLER:

7 Q I'm going to do these one at a time. This first one, can
8 you tell us the date and the amount?

9 A Yes. The first one is dated May 4th of 2015 and the
10 amount is \$500.

11 Q The next one?

12 A The next one is dated March 30th of 2015 and the amount is
13 \$399.

14 Q Next?

15 A The next one is dated May 4th, 2015, and it is \$225.

16 Q And finally?

17 A And the fourth one is March -- there's a bit of a glare,
18 so I can't tell if that's the 25th or -- it looks like the --
19 there it is -- March 25th, 2015, and the amount is \$300.

20 Q And can you tell which direction the money is going on
21 these?

22 A Yes. These are -- so this is money that is being sent by
23 the -- and this is a receipt to the person who sent that
24 money.

25 MR. KOEHLER: No further questions.

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1 THE COURT: Mr. Maynard, any questions?

2 MR. MAYNARD: No questions.

3 THE COURT: Thank you, Agent Whitson. You may step
4 down.

5 MR. KOEHLER: May I approach the clerk?

6 THE COURT: Yes.

7 MR. KOEHLER: Same as last time. Subject to review
8 of exhibits, the government rests.

9 **GOVERNMENT REBUTTAL RESTS**

10 THE COURT: Thank you, Mr. Koehler.

11 Ladies and gentlemen, all of the evidence in this
12 case has now been received but, of course, you still can't
13 discuss the case.

14 What remains of the trial is my giving you your
15 instructions on the law and the closing arguments.

16 We are going to have closing arguments not tomorrow
17 but Friday morning at 9:00 a.m. and there's a good reason for
18 this.

19 These instructions that I will give you, hopefully,
20 when you get them, you'll think, oh, gosh, they're so clear
21 and concise and brief. But that's not what they look like
22 right now. And the lawyers and I need to spend some time --
23 what we call "settling the instructions" -- and then we need
24 to have them prepared and duplicated and all of that.

25 Also, hopefully, this will give the lawyers a little

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1 time to make sure their closing arguments are also well
2 organized, clear, and concise.

3 So we talked just before you came in and decided that
4 the best course of action was for us to work tomorrow, for you
5 to have the day off tomorrow, and first thing Friday morning
6 at 9:00 a.m. you will receive your instructions on the law,
7 then you will hear the closing arguments, and some time on
8 Friday you will begin your deliberations.

9 Even though all the evidence has now been received,
10 you still are not to discuss the case among yourselves or with
11 anyone else. You are not to discuss the case or form any
12 conclusions about it until you have received your instructions
13 on the law and heard the closing arguments of counsel.

14 Please also remember that you're not to advise anyone
15 concerning the status of this case, only that it's still on
16 schedule and will be over no later than a week from Friday,
17 although it's certainly looking like it will be sooner than
18 that at this point in time.

19 I think we'll get together at nine o'clock tomorrow
20 morning unless there is anything pressing we need to talk
21 about right now. Is that agreeable?

22 MR. MAYNARD: That's agreeable for the defense.

23 MR. KOEHLER: That's fine.

24 A JUROR: So is tomorrow a day off, but when we get
25 our sheet, is it the week or --

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1 THE COURT: I don't know that. You would have to
2 check with the Jury Administrator about that.

3 Court is in recess until nine o'clock on Friday
4 morning except for the lawyers.

5 I'll see you tomorrow morning at 9:00 a.m.

6 (Proceedings adjourned at 4:30 p.m.)

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1
2 C E R T I F I C A T E
3

4 I, ELIZABETH A. LEMKE, do hereby certify that I am
5 duly appointed and qualified to act as Official Court Reporter
6 for the United States District Court for the District of
7 Arizona.

8 I FURTHER CERTIFY that the foregoing pages constitute
9 a full, true, and accurate transcript of all of that portion
10 of the proceedings contained herein, had in the above-entitled
11 cause on the date specified therein, and that said transcript
12 was prepared under my direction and control.

13 DATED at Phoenix, Arizona, this 1st day of August,
14 2016.

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19 s/Elizabeth A. Lemke
20 ELIZABETH A. LEMKE, RDR, CRR, CPE
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